

# HOWNIKAN

PEOPLE OF THE FIRE



Vol. 13, No. 6

Citizen Band Potawatomi Tribe

June, 1991

## Plans for Potawatomi Days in full swing

Potawatomis from all over America are arriving in the Shawnee area for Potawatomi Days, June 28-30. And lots of surprises, as well as the traditional activities, are on tap.

The fun begins Friday, June 28, with the fifth annual **All-Indian Golf Tournament**, which continues through Sunday. A \$45 entry fee covers two days of golf with green fees, a meal, prizes and more. Thirty new pull-carts have been purchased for the convenience of golfers, Tribal Administrator Bob Davis said.

The 18th annual **Citizen Band Potawatomi Pow Wow** also starts on Friday, with grand entry at 8 p.m. Pow Wow Chairman Orval Kirk expects a big turn-out of dancers competing for \$15,000 in prize money. The pow wow continues through Sunday night. There will be vendors of all descriptions this year selling food, arts and crafts and more. Museum curator Esther Lowden said that the museum gift shop will have a booth as usual, and will give away a free cold soft drink with each purchase of \$2.50 can cooler. She will also have fans available for 75 cents.

At least two families — the Willmetts and the Andersons — have planned reunions to be held on tribal grounds during the weekend. Tribal rolls director Mary Farrell said there will undoubtedly be others held at other locations.

For those who want to escape from the heat or just try a change of pace, the **Potawatomi Bingo**

Hall will offer tribal members a free \$5 bingo pack on Saturday afternoon. But the real excitement will come that night when the bingo hall gives away a 1991 Geo Metro. Gaming Director David Qualls invites tribal members and their families to come try their luck. He plans to give away a car every week during July. Davis noted that most of the cars will be purchased from Harvey's, a Shawnee car dealership owned by tribal member Jerry O'Connor.

At the museum, Seneca-Ojibwa artist and storyteller **Stonehorse Lone** will demonstrate his work with stone, alabaster and antlers, telling stories at the same time. Visitors to the museum will find a wealth of exhibits to study, art to admire in the gallery and items to buy in the gift shop.

More serious business will be conducted during the day Saturday at tribal headquarters on the hill. At 7 a.m., the annual **General Council meeting** will be called to order and then recessed until after the tribal election. Enrolled tribal members will have until 2 p.m. to vote on a Grievance Committee member (incumbent Gene Bruno is challenged by Hazel Rhodd Williamson) and to indicate approval or disapproval of this year's proposed referendum budget.

Also on the ballot will be Business Committee member **Hilton Melot** and Grievance Committee members **Jo Ann Johnson** and **Jerry Paul Motley**,



*This young dancer was a hit a couple of years ago — he'll be a little bigger this year!*

all of whom are seeking re-election and are unopposed. In addition to the votes cast on site June 29, the Election Commission will count almost 500 absentee ballots.

The General Council will reconvene at 3 p.m. so that tribal members may hear annual reports, election results and ask any questions they may have. One highlight of that session will be the presentation of the design for the new **Potawatomi credit card**. Davis said that project "is in the final approval stages" and should be available soon. He will have applications available at the council meeting.

"I'm going to the first to send in my current card and get a

tribal one," the administrator said. He hopes the five Business Committee members will get the first five cards and then other tribal members will be issued theirs. The tribally-owned First Oklahoma Bank will administer the card and receive a transaction fee.

The traditional **free meal** will be served at the Pow Wow grounds at 5 p.m. Saturday before the evening's Grand Entry at 6:30 p.m.

Sunday will begin with a very special **Potawatomi Mission Service** under the direction of Tribal Chaplain **Norman Kiker**. The service, which will begin at 10 a.m. next to the pow wow grounds, "will be celebrated in

remembrance of **Marjorie Neddeau**, a greatly loved and respected elder and tribal member," Kiker said. Mrs. Neddeau died recently.

Tribal Chairman **John A. Barrett Jr.** will give a traditional talk to begin the service, with a special worship service and Holy Communion following at 10:30 a.m. The Rev. Hal Greenwood of the Choctaw Tribe, the Rev. Barney Jackson of the Cherokee Tribe and Potawatomi tribal member the Rev. Mike Smith, who is newly ordained, will assist Kiker with the service. Refreshments will be served following the service.

"Everyone is welcome to come and worship with us," Kiker said.

### CALL TO COUNCIL

June 29, 1991

7 a.m. — Call To Order

7 a.m.-2 p.m. — Recess For On Site Voting

3 p.m. — Meeting Reconvened For Business

5 p.m. — Free Meal At Pow Wow Grounds

**New toll-free telephone number for tribal headquarters**

**1-800-880-9880 • 1-800-880-9880**



# TRIBAL TRACTS

## Tribal employee's daughter salutatorian at Earlsboro

Ginger Schmidlkofer was the salutatorian for the Earlsboro High School Class of 1991. The daughter of Robert and Pat Schmidlkofer, her father is an employee of the Citizen Band Pottawatomí Tribe in Shawnee.

Ginger graduated May 21, 1991, at the Jeske Auditorium in Earlsboro. During high school Ginger played basketball and volleyball for four years and was appointed co-captain of the basketball team during her senior year. She was a cheerleader for two years and was a member of 4-H for four years. Ginger was secretary of the 4-H club for two of the years and received many awards for excellence. She was an active member of her school's Indian Cultural Club for all four years of high school and was also a member of Student Council for two years, both of which she held the position of vice president.

Before the end of school, an awards assembly was held to recognize excellence in the school. Ginger received awards in the classes of English IV, Word Processing, General Business, and Government. Also that night she received an award for being on the honor roll all of her final year of high school and received the Presidential Academic Fitness Award for maintaining a 3.5 G.P.A. or above for the entire



*Ginger Schmidlkofer*

1990-1991 school year.

In the fall Ginger will be attending Seminole Junior College for two years, and then move on to a four university to finish a degree in business administration. Ginger graduated with a 3.61 grade point average.

### Tribal member honored by OU nursing school for academic success

A Citizen Band Potawatomi tribal member was among those recognized by the University of Oklahoma College of Nursing as winners of 1991 academic scholarships and awards recently.

Kathleen Goodman of Tecumseh was awarded the American Indian Certificate for Academic Achievement, presented by the American Indian Student Association to Native American baccalaureate students who have maintained a 3.0 cumulative grade point average and to Native American graduate students who have maintained a 3.5 GPA. She also received a student leadership award for being active in organizations such as the Oklahoma Student Nurses' Association and the OU Student Nurses' Association.

Kathleen was among those receiving Bachelor of Science in Nursing degrees from the College of Nursing at the University of Oklahoma Health Sciences Center in Oklahoma City this spring.

### Nursing home resident would appreciate cards from friends

Mrs. Grace Keltner, whose birthdate is February 2, 1900, is living in the Stratford Nursing Home in Stratford, Oklahoma. She would appreciate cards or visits from Tribal members. Her address is : Stratford Nursing Home, Stratford, Okla., 74872.

For more information contact: Joyce Abel R.N., Director of Health Services.

### DONATIONS TO HOWNIKAN

Don Fairchild, Germany - \$50  
Jim & Theresa Lucas, IL - \$5  
Ben Lucas, CA - \$25  
Scarlette Almero, CA - \$25  
Lawrence Bressman, OK - \$25  
Maryann Frank, KS - \$10  
Doyle Hodam, OR. - \$5  
Robert or Joyce Buchanan, AR- \$5  
Keith Navarre, TX - \$15  
William H. Lambert, CA. - \$50  
Vernice A. Slaven, CA. - \$5  
Lucille Lewis, CA. - \$10  
Shelley Lynn Hoogstraten-Miller, NC - \$10

## Walking on ...

Marjorie L. Neddeau, a Citizen Band Potawatomi tribal member who was born on a Kansas reservation and later came to Oklahoma, died June 1, 1991, at the age of 84.

Mass of the Christian Burial was held June 4 at St. Benedict Catholic Church in Shawnee with Father Vincent Traynor, OSB, celebrant. Burial followed in Tecumseh Mission Cemetery under the direction of Roesch Funeral Home. A prayer service was held June 3 at the funeral home chapel.

Mrs. Neddeau was born April 18, 1907, in Emmett, Kansas, to Walter and Anna Lasley Battese. She was raised on a Potawatomi Indian Reservation in Kansas and attended Haskell Institute in Lawrence, Kansas. She graduated from St. Francis School of Nursing in Wichita and worked for the Indian Health Service for 36 years. She retired from the IHS in 1965 but then worked as a nurse at St. Gregory's College in Shawnee for five years.

She was married to LeRoy B. Neddeau, who died in 1977. She then married Gilbert Neddeau in 1978. He died in 1985.

Mrs. Neddeau was very interested in tribal political affairs and the welfare of her fellow tribal members. She was a member of St. Benedict Catholic Church for more than 50 years.

She is survived by her daughter and son-in-law Sharon and F. Browning Pipestem of Norman; son and daughter-in-law Don and Mandy Neddeau of Hollister, Calif.; nine grandchildren, Wilson Pipestem, F. Browning Pipestem Jr., Veronica Pipestem, Beverly McDonough, Perry Neddeau, Gary Neddeau, Kimberly Neddeau, Donielle Neddeau and Browning Neddeau; and sisters Agnes Battese and Ruth Norvelle, both of Shawnee.



### OBU Nursing Students Help BABES Program

Pictured from left are Kara Coward, Leslie Hobbs, Jerry Lingo and Christy Tarnauskas, Oklahoma Baptist University students who have been helping with the tribe's BABES program as part of their mental health studies at OBU this semester.

## Oklahoma attorney general's ruling clears up enforcement problem

(From *The Daily Oklahoman*, March 6, 1991) — Indian tribes can authorize local officers to enforce the law on Oklahoma's checkerboard Indian land, the state attorney general's office said in an opinion March 5.

The opinion, written by Assistant Attorney General Diane Hammons, apparently closes a legal loophole that some believed had left vast areas of Indian land unprotected.

The 10th U. S. Circuit Court of Appeals ruled last year that state officials did not have authority on Indian land. Tim Vollman, a regional solicitor for the Interior Department, said that created zones of lawlessness.

"This is just what we've been pushing for," Vollman said. "This solves some problems."

Sen. Kelly Haney, D-Seminole, asked the attorney general last year for an opinion on cross-deputization.

Cross-deputization had been declared unconstitutional in the past because it violated a dual-office-holder clause in the Oklahoma Constitution. The attorney general's opinion says agreements between the state and tribes require approval from the Bureau of Indian Affairs.

Vollman said an agreement between the tribes and states that was approved by the federal government would protect county deputies from lawsuits.

*A very special*

### Potawatomi Mission Worship Service

at 10 a.m. Sunday, June 30th  
will be celebrated in remembrance of  
Marjorie Neddeau

Traditional talk by Chairman John A. Barrett at 10 a.m.  
Worship Service & Holy Communion at 10:30 a.m.  
with special guests assisting Tribal Chaplain Norman Kiker  
at the Pow Wow Grounds  
Refreshments Served Afterwards  
*Everyone Welcome*





## For the record...

### Business Committee Minutes

February 26, 1991

Present: Chairman John A. Barrett, Vice-Chairman Linda Capps, Secretary/Treasurer Bob Davis, Committeeman Hilton Melot, Committeeman Francis Levier, Accounting Director Carolyn Sullivan, Accounting Department employees Becky Carter and Dee Hembree, Grievance Committee members Jerry Motley and Gene Bruno, Tribal Rolls Director Mary Farrell, PowWow Coordinator Orval Kirk.

Chairman Barrett called the meeting to order at 7:00 p. m.

Francis Levier moved to approve the minutes of January 24, 1991, with one correction; Hilton Melot seconded. Passed 5-0.

Francis Levier moved to approve the tentative \$20,000 budget for the PowWow; Hilton Melot seconded. Passed 5-0.

Meeting recessed at 7:35 p.m. and convened as Tax Commission.

Business Committee reconvened at 8:20 p.m.

Bob Davis moved to approve Resolution #91-49 authorizing and showing public support of the Citizen Band Potawatomi Indian Tribe of Oklahoma's Indian Child Welfare Family Violence Prevention and Services grant application for FY 1992 and FY 1993; Linda

Capps seconded. Passed 5-0.

Francis Levier moved to approve Resolution #91-50 pertaining to relinquishment of Mary E. Long from the Citizen Band Potawatomi Indian Tribe of Oklahoma; Linda Capps seconded. Passed 5-0.

John Barrett moved to approve Resolution #91-51 requesting the continued presence of a federal employee(s) at the Shawnee Agency and a request to change the procedure for disposition of documents requiring secretarial approval; Bob Davis seconded. Passed 4 in favor and 1 opposed.

Francis Levier moved to approve Resolution #91-52 enrolling 25 descendant applicants; Bob Davis seconded. Passed 5-0.

Hilton Melot moved to approve Resolution #91-53 enrolling 25 descendant applicants; Linda Capps seconded. Passed 5-0.

John Barrett moved to approve Resolution #91-54 enrolling 13 descendant applicants; Linda Capps seconded. Passed 5-0.

Francis Levier moved to approve Resolution #91-55 enrolling 9 applicants eligible for enrollment under previous blood quantum guidelines; Bob Davis seconded. Passed 5-0.

Meeting adjourned at 11:20 p.m.

## More names with no current addresses

Lacks, Toni Annette  
Lambert, Frances Arlene  
Lamontine, James Derwood  
Lamontine, James Douglas  
Lamson, Carla Ann  
Langley, Gary George  
Lanz, Stephanie A.  
Lareau, Norida Jean  
Larue, Leslie Kay  
Laughlin, Michael Gene  
Laughlin, Wanda J.  
Laughrey, Lola J.  
Lawless, Timothy Darren  
Lawson, Bobby R.  
Layman, Carol Thos  
Layman, Jeanne L.  
Layman, Lewis Vincent  
LeClair, Dorothy Rose  
LeClair, Martie Lynn  
LeClaire, Joe Keith  
LeClaire, Tina Marie  
Lehman, Marcia Ann  
Lekawa, Patricia L.  
Lemons, Linda Gayle  
Lenz, James F.  
Lenz, Martin R.  
Leonard, Ray Earl  
Levier, Joseph Michael  
Levier, Martin Anthony  
Levier, Robert L.  
Lewis, James Franklin  
Lewis, Keith David  
Lewis, Shawna Kae  
Lightner, Floyd Jr.  
Lightner, Norman Gale  
Liles, Bobby Lynn  
Lindsey, Joseph Edward  
Little, Teresa Ann  
Littleton, June  
Lobb, Kathy Sue  
Logsdon, Robert Joe  
Lombardi, Carol Mae

Long, Francis Franklin  
Longo, Sandra Lee  
Lovett, Renee Lynn  
Lovitt, Rick Anthony  
Lovitt, Stacy Gene  
Lowe, Edward Franklin  
Lowe, Thomas Jefferson  
Lowry, John George Jr.  
Luff, Sheryl Rae  
Lunsford, Karen Juanita  
Lyle, John Shaw Jr.  
Lynch, Kathy Ruthann  
Lynn, Donald L.  
Lyons, Jimmie Ellen  
Macielek, Deborah Fay  
Macon, Bobbie Eugene Jr.  
Macon, Clarence Clinton  
Macon, Darwin Clyde  
Macon, Eugene  
Macon, J.T.  
Macon, Joseph Allen  
Madole, John D.  
Madole, Robert Ennis  
Mahaffey, Mary B.  
Mahana, Wesley Joe  
Maisch, Laura Joan  
Maish, Isabelle Frances  
Malone, Marguerite  
Mann, Carl Tracy  
Mann, Ronald Dean  
Manning, Kay Lynn  
Manning, Patrick L.  
Manship, Flora Esther  
Marcus, Deborah Jo  
Maritt, Chester A.  
Maritt, Eliza Marie  
Marsh, Lorene L.  
Marshall, Tony Ray  
Martin, Martha Kimberly  
Martin, Ruby Lee  
Martin, William Wallace  
Marxer, Carol J.

Mason, Betty Jaeanne  
Mason, Melinda Sue  
Mata, Pamela Sue  
McDonald, Kelly Sue  
McKelvain, Charles Robert  
McAlester, Wanda Lee  
McCarroll, Elizabeth Angela  
McCarty, Norma Jean  
McCauley, Joan Kay  
McClennen, Kellee Shawn  
McClure, Edna Gladys  
McCurley, David Eugene  
McCurley, Joyce Faye  
McCurley, Steven Duran  
McDonald, Sherri Renee  
McEnroe, Marilyn Ann  
McEver, Marian Nell  
McGlothlin, William Christopher  
McGough, Steven Ray  
McGuire, Larry Doyle  
McIntire, Patricia Gay  
McKee, Patricia I.  
McKee, Sally Ann  
McKinney, Dwight Lee  
McLead, Linda Ruth  
McLeod, Phillip Don  
McManus, Steven Leslie  
Mead, Denise G.  
Meade, Judith E.  
Meade, William Mark  
Meadows, Nita Jo  
Meek, Robbin T.  
Megah, Bennie Raymond  
Melot, Barbara A.  
Melot, Edward L.  
Melot, Jerry Lee  
Melot, Lee Gordon  
Melot, Samone Cozette  
Melot, Terry R.  
Melot, Tracy Glenn  
Melott, Garry William  
Melott, Larry Allen  
Melott, Roger Allen  
Melott, Shirley Catherine  
Melott, William Warren  
Melton, David Alan  
Mendinghall, Michael Dean  
Messenger, Angie  
Meyers, Victor A III  
Miller, Carol M.  
Miller, Laura L.  
Miller, Marilyn Gibeite  
Miller, Olive K.  
Miller, Sherry Latreece  
Miller, Tommi Louise  
Milligan, Donald Thomas  
Minnaugh, Timothy Lee  
Mims, Roger D.  
Miser, Virgil Dee Jr.  
Moffitt, William Theadore  
Monaghan, Brenda Lea  
Montgomery, Francis M.  
Moore, George Y. Jr.  
Moore, Harold G.  
Moore, Jacqueline Ann  
Moore, Kathy Lee  
Moore, Mary L.  
Morgan, Emma Elizabeth  
Morgan, Sheila Dee  
Morris, Lynn R.  
Morris, Nettie Lavonne  
Morris, Phillip C.  
Morris, Sue Ellen  
Morris, Thekla  
Morrison, Terry Don  
Morrow, Ronald Allen  
Morse, Wanda Mareitta  
Mulanax, Richard Lee  
Munoz, Lisa Lynette  
Munoz, Yvette Marie  
Murphy, Kevin Thomas  
Murphy, Michelle Rena  
Murphy, Richard Allen  
Murphy, Vivian Cecelia  
Murray, Donald W.  
Myers, Benjamin Fred  
Myers, Lisa Gay  
Myers, Patricia L.  
Myers, Teresa Ellen

If you know an address for any of these people, contact Mary Farrell in Tribal Rolls, i-800-880-9880.

## ADDRESS CHANGE FORM

The following is my current mailing address.

Name: \_\_\_\_\_  
(Include Maiden) (Please Print)

Address: \_\_\_\_\_

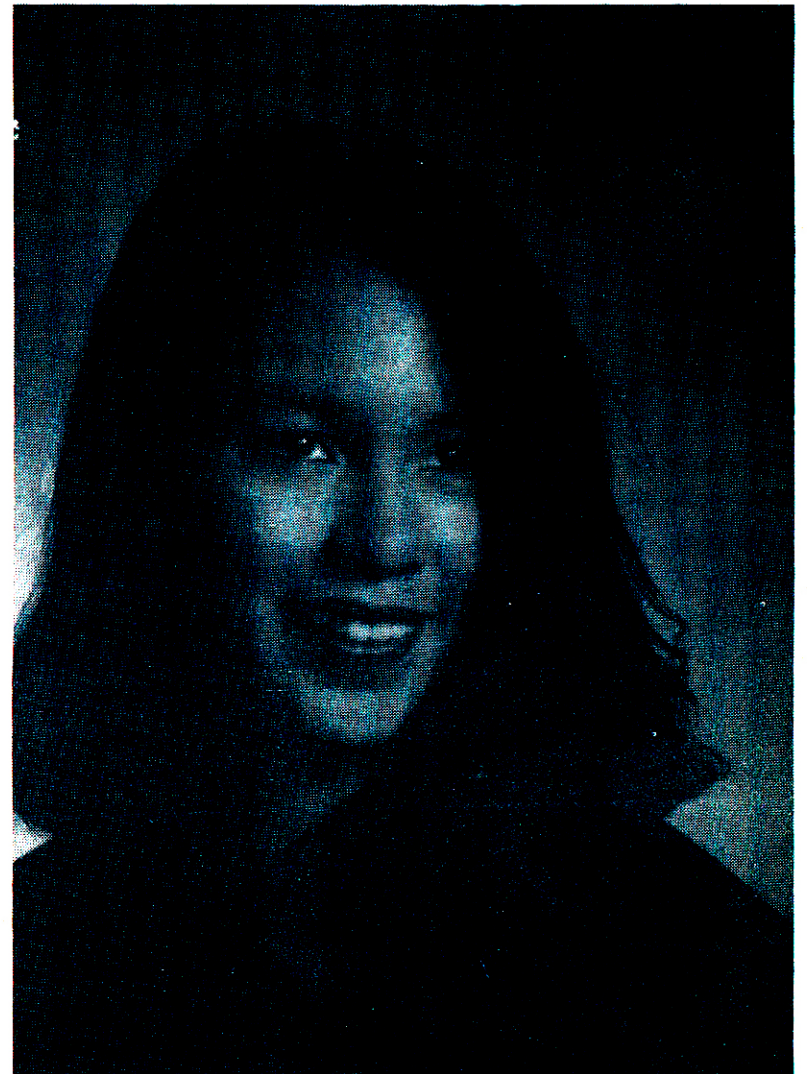
State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Birthdate: \_\_\_\_\_

Send To:

Citizen Band Potawatomi  
Indians Of Oklahoma  
1901 Gordon Cooper Dr.  
Shawee, OK 74801

Roll No. \_\_\_\_\_



### Creek Princess

Kristi Herndon, 18, of Shawnee will reign as Creek Nation Princess for 1991. She is the daughter of Ed and Samarian Herndon. Ed is Director of Contracts for the Citizen Band Potawatomi Tribe and Samarian works for the Indian Health Service. Kristi will receive a crown, banner and scholarship.

### Mineral audit program expanded

The Department of the Interior's Minerals Management Service announced that it will increase the reimbursement of auditing costs from 50 percent to 100 percent for Indian tribes participating in the Service's Cooperative and Delegated Audit Program. The program enables states and tribes to join with MMS in providing additional audit coverage of revenues derived from oil, gas and other mineral leases.

Under provisions of the Federal Oil and Gas Royalty Management Act of 1982, the MMS fully reimburses participating states for costs of delegated audits, such as salaries and travel expenses. Current regulations, however, had limited reimbursement of cooperative agreements with Indian tribes to 50 percent. The new regulations, which authorize full reimbursement to Indian tribes, became effective April 12, 1991.

The MMS program of cooperative and delegated audits currently includes nine states: California, Colorado, Louisiana, Montana, North Dakota, Oklahoma, Texas, Utah and Wyoming; and three Indian tribes: the Navajo Nation, the Southern Ute and the Northern Ute.





## In your opinion ...

# Tribal member wants regional council in Southeast

Dear Tribal Brothers and Sisters:

Open letter to all certifiable Citizen Band Tribal Members now residing, or soon to be residing in Alabama, Georgia or Florida.

We need to formally establish a regional council for the Southeastern United States.

I am told that to qualify, a membership of at least 150 members is required.

For you readers of HowNiKan, I'm sure you've noticed our esteemed Chairman John Barrett's frequent trips to regional councils outside of Oklahoma. This is a good thing. It tends to unite us into a common cause; the proliferation and protection of our ancestral mores.

By the publication of this letter I am earnestly requesting that those members residing in the Southeastern United States respond, in writing to me or directly to tribal headquarters, indicating your interest in being a part of the initial regional membership. Please include your name and current tribal roll number. If you need assistance in enrolling, please let us know. There are no costs involved in this action.

Send your response to me.

Frederick M. Taylor  
160 Dommerich Drive  
Maitland, FL 32751

## She enjoys St. Mary's history articles

Dear HowNiKan,

I am writing to say how much I enjoy the HowNiKan. I look forward to getting it and reading the great articles. The articles on the St. Marys mission really draws my interest. My great-grandmother was

born on the reservation near St. Marys, and my great-great grandfather Basil Greemore was one of the founding forefathers of St. Marys, Kansas. I would be interested in hearing from anyone else who is involved with the Greemore line.

I would also like to thank Mary Farrell for her assistance when I met with her last fall. What a wonderful lady.

I am enclosing a small donation to help cover a continuing subscription. It is so important to keep our fascinating Potawatomi culture and heritage alive.

Sincerely,

Maryann Frank  
Vice President  
Kansas City Indian Club

## Family enjoyed Long Beach regional council

Dear Mary:

Enclosed you will find a birth certificate for my nephew Domingo V. Castaneda, Jr. He is my brother Domingo Castaneda, Sr. eldest son. Thank you for enrolling him.

Thank you so very much for the lovely time had by all at our Long Beach regional meeting. We always look forward to seeing our tribal brothers and sisters.

This year I was thrilled to have the youngest tribal member and the youngest direct descendant of Abram Burnett, Steven David Vargas. The red satin jacket that was given to him is beautiful, and so are all of you. I am a very proud grandmother.

Sincerely,

Florence D. Castaneda  
Baldwin Park, Calif.

## Barrett good host at Kansas City regional council

How-Ni-Kan:

My three cousins, Bonnie Hefner, Jackie Gager and Eileen Goodson, certainly enjoyed the beautiful buffet dinner at the Hyatt Regency in Kansas City on March 9.

John Barrett was an excellent host and addressed the meeting.

My daughter, Joan Hrenchir, is writing a genealogy of our family. We are descendants of Solomon Juneau, the founder of Milwaukee, Wisc., and Joe Juneau for whom Juneau, Alaska was named. Solomon's eldest son Narcisse, and his grandson Charles, are buried in Mt. Calvary Cemetery here in Topeka. Also buried here is my grandmother, Josette Juneau Schwartz, daughter of Charles.

Anyone having any pertinent information for Joan's book can write me at 444 N.E. Emmett, Topeka, KS. 66616.

Sincerely,

Anne L. Rudolph  
444 N.E. Emmett  
Topeka, KS 66616

## She enjoyed Bourassa family reunion last year

Dear Editor,

As it approaches time for the Potawatomi Business Meeting and Powwow, I am reminded of last year's reunion of the Bourassa family that was held

on the tribal grounds. I greatly enjoyed the opportunity to meet the many descendants of Delila Bourassa and others of the Bourassa family. I would like to thank Bob Davis and all those on the staff who helped make this such a pleasant experience. I am sorry that it will not be possible for me to attend the meeting again this year and renew acquaintances.

For those of the Bourassas that purchased a picture of the group called "Bourassa Descendants Other Than Direct Descendants of Delila," I have one correction to be made in the identification of individuals in the photograph. Betty Hancock came to the rescue and said that Joshua Brollier should be identified as the grandson of Patricia Brollier (descendant of Joseph N. Bourassa). He was listed as number 1. She also identified No. 5 as Betty Hancock and No. 15 as Jay Lene Brollier.

In the picture of all Bourassa Descendants, Jay Lene Brollier is No. 47 and Betty Hancock is No. 36. Also, I believe that No. 50 is Mrs. Dahl Bourassa. If this is correct, of the 71 in the photograph, that leaves only No. 52 unidentified. Will someone please identify No. 50 (the same as No. 8 on "Others") and let me know, or send it directly to be published in How-ni-kan?

Sincerely,

Norma Henderson Dean  
(Mrs. Jack L. Dean,  
Great-granddaughter  
of Delila Bourassa Bergeron)

## Writer appreciates good cooperation from tribal rolls

To Editor of the HowNiKan:

I am a proud tribal roll member of the Citizen Band Potawatomi and live in Glendale, Arizona. I feel as a roll member so far away from Oklahoma that I need to bring attention to other tribal roll members so far away.

I have recently been in correspondence with the tribal rolls office at 1901 Gordon Cooper Drive. I have found them to be the most efficient, thorough and caring people I have ever had the pleasure to do business with. In this day and age of red tape and everyone looking out for themselves, I found this to be a comforting change. Even though I'm so far away from other members, I felt like I was the only one they were concerned with.

I would like to especially thank Mary Farrell who kept up

correspondence with me and I feel she did much more for me than any other government type person would have. Again I would like to thank the "home" office for their help and the How-Ni-Kan which I so proudly received. I think the combination has kept members like myself apprised to situations there.

Keep up the good work!

Sincerely,

Kathijo Caballero  
Glendale, Arizona

## Writer seeking information on Welfelts

Editor:

Tribal Members by name of Welfelt or Weldfelt:

I am a tribal member seeking further genealogical information about

My ancestors. My grandfather, Samuel C. Welfelt, received a land grant in Shawnee county and subsequently lived in the Seattle, Washington area where he raised a big family.

I would appreciate any data you can provide me.

John Frederick Adams  
4994 Runnymede Rd. S.  
Jacksonville, FL 32257

## Other tribes may do better with language

Letter to Editor:

I, too, am delighted to read that Dan LaClair, in your last issue, expressed his happiness of my article for the Potawatomi language and cultural learnings that should be done. As I said in my letter that Native American Colleges are doing just that. My hope is that Dan LaClair will get the support that is needed.

I may be wrong but I believe other bands have kept their language and culture alive more than the Citizen Band. It isn't too late. As Dan said "we are too widely dispersed" which is true. It would take a lot of effort on the part of your people. It shouldn't be too hard to reach the ones in the Shawnee area. An effort should be made to see how many are really interested. From the letters sent to you, many say they are proud to belong to the tribe. Now, try to find out the interest in really being proud. As Dan said, language and culture, you must have if you are to preserve them.

Thanks again Mr. LaClair. Get the ball rolling and see where it leads.

Sincerely,

Max R. Breslauer  
Calumet City, Illinois

## Book explores Indians in WWII

The impact on Indian affairs of World War II is explored in a new book published by the University of Oklahoma Press.

"American Indians and World War II: Toward a New Era in Indian Affairs" by Alison R. Bernstein is described by R. David Edmunds of Indiana University as "unquestionably ... the best survey and synthesis of Indian affairs since the 1940's."

In her book, Bernstein asserts that the impact on Indian affairs of World War II was more profound and lasting than that of any other event or policy, including Roosevelt's Indian New Deal and efforts under Eisenhower to terminate federal responsibility for tribes.

Focusing on the period from 1941 to 1947, Bernstein explains why termination and tribal self-determination were logical results of the Indians' World War II experience.

Bernstein points out that World War II was the first in which all Native Americans were citizens and therefore eligible for the draft. Participation in the military and war industries offered Indians an unprecedented opportunity to compete where their skills commanded respect and also provided many Indians with a steady job and a taste of the "white world."

As a result, she says, 65,000 Indians left reservations. By 1944, the average male Indian was earning \$2,500 — 2½ times his income in 1940.

In the meantime, she notes, Indian reservations were taken over as sites for gunnery ranges, military training bases and relocation centers for Japanese-American citizens.

After World War II, Indians and whites confronted new dilemmas, Bernstein says. For example, whites, having observed the Indians' performance off the reservation, assumed that they were able and willing to assimilate into the larger society.

Few Indians made the same assumption, the author claims. Instead, they aspired to live successfully in both worlds, and some achieved new militancy in the pan-Indian movement represented by the National Congress of American Indians, founded in 1944.

Bernstein is associate dean of faculty at Princeton University. She received her doctoral degree from Columbia University.

"American Indians and World War II: Toward a New Era in Indian Affairs" by Alison R. Bernstein, University of Oklahoma Press, 288 pages, 11 illustrations, notes, bibliography, index, \$21.95.





### 'Trail Of Prayers'

Denny Haskew, nationally-known artist of Potawatomi descent, recently earned one of ten merit awards at the 11th annual Wildlife and Western Exhibit and Sale in Minneapolis. More than 100 artists displayed more than 2,000 pieces of art in the show. Earlier, in February, Haskew participated in the 24th annual O'Odham Tash Art Show in Casa Grande, Arizona. There he walked away with Best of Class and Best of Category in sculpture. First place was awarded to the piece pictured here, "Trail Of Prayers." Haskew lives in Loveland, Colorado.

## Epic relay race planned for Columbus anniversary

An epic relay race with runners originating simultaneously from opposite ends of the American continents and converging in Mexico City on October 12, 1992 is being planned by a multicultural group of persons.

It will be a way of bringing to public consciousness a message of peace and dignity towards the native nations and to recognize the survival of their culture and their way of life during a time when many countries will be celebrating the 500th anniversary of the "discovery" of America by Columbus. The event will be known as PEACE AND DIGNITY JOURNEYS 1992 and it will symbolize the dignity with which indigenous nations have survived and the triumph of having retained important cultural and spiritual identities and legacies.

The event is meant to be a peaceful project whose objective is to promote peace and dignity among all peoples and our hope is to find support of persons and organizations that share the same view. The projected plans are for 2 groups of runners to leave simultaneously from Anchorage and Argentina. The North American route would include: Anchorage, Edmonton, Montana, South Dakota, Minnesota, Illinois, Missouri, Colorado, New Mexico and finally, to the Mexican Border. A route through Mexico will be traced beginning at El Paso-Ciudad Juarez. The South American route will most likely include the Pan American Highway. The total combined mileage is expected to be around 15,000 miles. The culmination of the run will be in Mexico City on Oct. 12, 1992.

Other objectives of our event are to create a consciousness about how to respect and care for Mother Earth and the sacred elements; to promote indigenous arts, crafts and music; to encourage indigenous youth to respect and practice the traditional ways; and to promote physical fitness through spiritual runs.

The international scope of this project run by volunteers will require significant funding for specific aspects such as communications, transportation, medical attention and supplies, food and lodging.

Further information can be obtained from a local coordinator or by writing the central office at: Peace and Dignity Journeys 1992, 1301 W. 16th St., Chicago, IL 60608. 312-733-6363.



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# Tribes in Oklahoma...

## Senator Don Nickles speaks at forum concerning lack of Indian health care

Oklahoma City, OK - Indian country was urged to speak with a single voice "because things are changing, things are looking up and the iron is hot" in a forum here on March 9.

Sen. Daniel K. Inouye, D-Hawaii, and Sen. Don Nickles, R-Okla., met with Oklahoma tribal officials in a March 9 forum which covered tribal sovereignty, lack of health care funds and freedom to use peyote in religious observances.

The forum, "Seizing the Initiative: Developing a National Indian Legislative Agenda for the 1990s," was sponsored by the Senate Select Committee on Indian Affairs and the American Indian Resources Institute.

Similar forums were conducted in Santa Fe, Tampa and Denver to allow tribal leaders to establish legislative priorities. A national forum for tribal officials was held in Washington, D.C., April 15-17.

Inouye, chairman of the select committee since 1986, urged tribes to shape a long-range agenda because federal Indian policy has lacked stable and consistent goals for too long.

Nickles voiced concern over Oklahoma's Indian health care problems.

"We have 25 percent of the nation's native population and we get 12 percent of Indian Health service money. It is not equitable."

Gaylon Franklin, second chief of the Sac and Fox Nation, said it is a myth that Oklahoma as more income than other tribes and more accessible health care.

"Economic conditions are decidedly low and many of us don't have insurance or the means to access health care. We're discriminated against," he said.

Tribal control of IHS appropriations was proposed as a solution to the decreasing funds and rising health problems among Indians.

Nickles noted there have been increases in funding, but was

concerned that 94 percent of denials for IHS discretionary monies are in Oklahoma.

Asked if he thought the increases were wasted in administration, Franklin agreed. He suggested funding for health services be turned over to tribal government which has a greater understanding of the changes and immediate needs of its members.

Tribal leaders laughed when Nickles asked if the historically troubled relations between tribes and the Bureau of Indian Affairs had improved over the last decade.

"We not only appropriate, but it's our responsibility to see that the money is well spent," the senator said. "It's not, I need to hear about it."

Inouye cautioned tribes that an amendment remedying the jurisdictional void created by the Duro vs Reina Supreme Court decision expires in September. It held that tribes could not exercise jurisdiction over non-member Indians who commit criminal misdemeanors on tribal lands.

"If we let this decision stand, it will be another erosion of tribal sovereignty."

It appeared most tribal officials had received letters from the Oklahoma Tax Commission requesting voluntary collection of taxes on cigarettes sold on tribal land. Legal action could be taken against the leaders individually or against the tribes.

Threats of lawsuits from the commission against individuals could affect tribal elections because no one will want to risk the individual suits, said John Barrett, chairman of the Citizen Band Potawatomi tribe.

"This is more than a cigarette or bingo problem," said Elmer Manatowa, chief of the Sac and Fox Nation.

Wilma Mankiller, chief of the Cherokee Nation of Oklahoma, suggested meeting with the governor and tax commissioners to directly address the long-standing feud. She agreed with

Supreme Court Justice Sandra Day O'Connor that the logical source of relief is Congress.

Kenneth Saupitty, chairman of the Comanche Tribe, said stores on Comanche land have a difficult time buying cigarettes because their suppliers are being threatened by state government.

There won't be any solution until the question of who has control of tribal commerce is settled. According to existing treaties and the Constitution, that control belongs with Congress, not the state, he said.

Discussion of the religious freedom in the Native American Church resulted in a request for the federal government to exempt the church in its classification of peyote as an illegal drug.

"This blessed sacrament was made by the Creator and is used only in church, in a tipi," said Gus Palmer, Native American Church representative.

To avoid the abuse of peyote, the federal government needs to create legislation that addresses the needs of the Native American Church, Inouye said.

"I want the law to be very specific that it recognizes Native Americans, it recognizes their religious practices, and if they use peyote, as they have for a thousand years, so be it," he declared.

Inouye urged tribes to make themselves politically more powerful by greater voter participation in state and national elections. Tribes must negotiate from a position of strength, he said.

"You're not going to get anywhere sitting at a conference letting off steam. Let's do something about it."

The senator said he'd like to see Indians do what other sovereigns do, "set up a embassy."

Tribes must develop a strong judicial system, he said. They can't go on saying, "We did it this way for hundreds of years."

The ruling also states that income derived by tribal members who work for the Sac and Fox on trust land cannot be taxed by the state.

Sac and Fox attorney G. William Rice said he believes the ruling, issued April 17 by U.S. District Judge Wayne Alley, may set a precedent for other tribes to seek the same treatment.

Neither tribal leaders nor state tax commission officials will

estimate the amount that may have to be refunded because of the ruling, which came in the western district of Oklahoma.

Paula Ross, spokeswoman for the Tax Commission, said attorneys have filed for a rehearing, the first step in appealing the decision. The action stays the judge's order, which prohibits the commission from collecting license fees and some income taxes.

## DeHaas Names Superintendent Shawnee Agency of the BIA

(From *The Absentee Shawnee News*, May 1991)—James DeHaas has been named Superintendent of the Shawnee Agency of the Bureau of Indian Affairs.

DeHaas is a member of the Otoe-Missouri Tribe. Originally from Ponca City, Okla., DeHaas served four years in the Marine Corps. He received his BA in history and MA in Indian Education from Arizona State University in Tempe, Ariz.

A BIA employee for five years, DeHaas started his bureau career as vocational director at the Pawhuska, Okla., office. He then worked as Tribal Operations Specialist at the San Carlos Apache Reservation in Arizona. Prior to coming to Shawnee, DeHaas worked in the Tribal Operations Office in Anadarko, Oklahoma.

"It seems like right now, the first job is to get oriented to the agency and the various tribes under the agency's jurisdiction," he said. "I've been contacting and visiting the various tribes. I think it's going to be an interesting stay here because of the uniqueness of this agency. Here, the Absentee Shawnees are operating under their Self-Governance project and the Sac & Fox are in the final stages of receiving their Self-Governance compact. Several of the other tribes have contracted out portions of their Bureau programs."

"I want to make our office available for any type of assistance we can provide. One of my goals is to establish or re-establish the lines of communications between this office and the tribes and tribal officials. I would like a more positive working relationship with all concerned," DeHaas said.

DeHaas and his wife, Carmen, Comanche-Pawnee, have two children, Tambi, 12 and Jimmy, 5.

## Mildred Harjo Ware hired Oklahoma Indian Legal Services

On February 22, 1991, the Board of Directors of Oklahoma Indian Legal Services (OILS) hired Mildred Harjo Ware to serve as the Executive Director of OILS by unanimous vote of the members present at the quarterly meeting in Oklahoma City.

As known by many Indian people in Oklahoma, OILS is an Indian legal aid office created in late 1981 for the provision of free legal services to low income Indians statewide. Ms. Ware will accordingly be responsible for ensuring that OILS continues to provide high quality representation in Indian status related cases, and for giving direction to the staff of eight at the OILS Oklahoma City Office. Steve Crittenden, chairman of the OILS Director Search Committee, stated with regard to Ms. Ware's hiring: "We are of the firm opinion that Ms. Ware's present qualifications and background in legal services are well suited to the position. As our first choice for the position, we are very happy she accepted the job."

Ms. Ware served as a staff attorney for OILS for three and one-half years, and was in private

practice for the year prior to her hiring for the Executive Director position. Ms. Ware is Muskoke (Creek)/Yuchi, and a 1985 graduate of the Creighton University School of Law. According to Susan Work, who served as Executive Director from 1986 until the effective date of her resignation in April, 1991: "The Executive Director position at OILS presents a unique challenge to persons such as Ms. Ware who are dedicated to the improvement of legal and economic needs of low income Indians in Oklahoma, and I am confident that Leah will meet the challenge. Although I believe that OILS has grown over the last few years, I expect to see continuing improvements in OILS' ability to provide needed legal services and to shape Indian law to the benefit of Indian people under Leah's leadership."

Work, a Choctaw residing in Seminole, was recently retained by the Seminole Nation of Oklahoma to serve as its Attorney General. She expects to maintain both a general law and an Indian law practice at her new law office in Ada, Oklahoma.

## Sac and Fox Indians may receive refund

(From *News From Indian Country*, mid-May) — Oklahoma may have to refund license tag fees and income tax collected from Sac and Fox Indians because of a federal court ruling, tribal leaders said.

The ruling said the Oklahoma Tax Commission may not require the tribe to pay back state license and excise fees when selling or buying a properly registered vehicle with the tribe.

The ruling also states that income derived by tribal members who work for the Sac and Fox on trust land cannot be taxed by the state.

Sac and Fox attorney G. William Rice said he believes the ruling, issued April 17 by U.S. District Judge Wayne Alley, may set a precedent for other tribes to seek the same treatment.

Neither tribal leaders nor state tax commission officials will

## Support Your How-Ni-Kan





# A Potawatomi welcome to these new members

Adams, Nathan Leo  
Alexander, Danielle Dawn  
Alexander, Tawni Rashelle  
Amundsen, Amy Fitzgibbons  
Maguire  
Anderson, Amy Jo  
Anderson, Bryan Mitchell  
Anderson, John Thomas II  
Anderson, Sarah Jane  
Anderson, Wendy Sue  
Anderson, Zane Tyler  
Andrews, Jeanna Marlene Fulton  
Archer, Cynthia Kay  
Archer, Jimmy Don Jr.  
Archer, Samantha Renee  
Atkinson, Ronald Gene II  
Ayers, Sheena Nicole  
Baggarly, Allison Jean  
Bailey, Kelly Suzanne  
Baird, Donald Wayne  
Baird, Nicholas Dakota  
Baker, Justin Shane  
Ball, Marvin James II  
Ball, Melissa Joy  
Bartkus, Megan Rae  
Bassham, Jessica Nicole  
Bassham, Traci Lianne Williams  
Bateman, Shane Michael  
Beavers, Jennifer Brooke  
Bennett, Christopher John  
Bickford, Darwin Lee  
Bickford, Jerad Lee  
Blaugrund, Jacqueline Jae  
Blaugrund, Jessica Rose  
Booher, April Ann  
Booher, Richard John  
Bostwick, Jessie Christine  
Bostwick, Kyle Ray  
Brown, Carolyn Susanne  
Brown, Keith Eugene  
Burke, Miles Michael  
Call, Edward Zachary  
Call, Ryan Joseph  
Campbell, Louis John-Jeffers  
Cargill, Robert Wayne  
Castaneda, Frank Acosta II  
Castaneda, Michael Vinson  
Castaneda, Ysabel Marie  
Casteel, Beverly Jane  
Casteel, Bobby Lee  
Casteel, Jamie Renee  
Casteel, Rachel Lynn  
Casteel, Sara Joyce  
Christian, Caleb Michael  
Christian, Chad Derek  
Christian, Daniel Ray  
Clark, Megan Ellen  
Cole, Anthony Wayne  
Compton, Amber Kay  
Compton, Cristi Ann  
Compton, Richard Allen Jr.  
Compton, Sarah Rene  
Cook, George Aaron  
Cook, Rachel Amanda  
D'Amico, Bradley Andrew  
D'Amico, David Mitchell  
Dansenburg, Gary Lee  
Dansenburg, Heidi Michelle  
Davis, Charles Edward  
Davis, Kenya Lynn  
Dearinger, Matthew David  
Deerinwater, Brandi Danielle  
Deerinwater, Dawn Marie  
Deerinwater, Mickie Lynn  
Detlefsen, Michael James  
Diven, Kiki Lynn  
Diven, Rebecca Sue  
Donaldson, Jason Andrew  
Donaldson, Lauren Danielle  
Dorries, Joshua Wayne  
Duncan, Bryan Christopher  
Dye, David Virgil  
Elder, Heather Leigh  
Evans, Brian Duane  
Evans, Mary Diane  
Evans, Shonda Gaye  
Felps, Larry Joe II  
Fields, Harlie Eugene Jr.  
Fields, Pamela Lynnell  
Foresman, Chelsi Rae  
Foresman, Kallie Sue  
Foresman, Linda Diane  
Goldsby, James Kenneth  
Goodman, Julie Marie Fulton

Goodson, Christine Michelle  
Goodson, Jennifer Renee  
Gottfried, Elizabeth Ann  
Gregg, Jean Elizabeth  
Gregson, Jami Jean'an  
Gregson, Jennifer Lee  
Gregson, Joshua Kenneth  
Gregson, Justin Todd  
Guinn, Michelle Ann  
Hall, Michelle Audriana  
Hall, Reid Michael Francis  
Hamilton, Jason Don Dayton  
Hamilton, Jeremy Lee  
Hamilton, Jessie Millard  
Hancock, Robin Jeanette  
Harp, Tera Rose  
Harp, William Keith  
Harper, Alicia Marie  
Harper, James Travis  
Harper, Sean Tobias  
Harrison, Micholas Paul  
Harrison, Zachary Dee  
Havens, Audra Ann  
Heideman, Trenton John  
Henry, Eric Randall  
Henry, Kelsie Anne  
Herron, Michael Keith  
Herron, Robert Sullivan  
Hilton, John Michael  
Hilton, Katie M.  
Hodam, Cashion Clark  
Hodges, John Howard Jr.  
Hurst, Shawndale Ann  
Hyatt, Crystallynn Dawn  
Hyatt, Stephanie Rene  
Hynicka, Koni Lafonne Hull  
Johnson, Dee Ann Womack  
Johnson, Sarah-Lynda  
Jones, Dana Paul  
Jones, Preston Luke  
Jordan, Jacob Dylan  
Kane, Erin Shintaro  
Killman, Darron Jay  
Killman, Sheri Suzanne  
King, Kindra Leah  
Kirchner, Dana Michele Prewett  
LaRock, Terry Lynn  
Layher, Ashlee Pearl  
Layher, Carl William  
Lehman, Jantzen Paige  
Lyons, Clarence Wesley  
Lyons, Eldon Scott  
Lyons, Shawn Matthew  
Maguire, John Sampson  
Mars, Angelia Rachelle  
Mars, Chris Everett  
Mars, Christopher Louis  
Martin, Mia Carroll  
Martin, Whitson Key  
McKelvain, Christopher Carl  
McKelvain, Holly Ann  
McKelvain, Nathan Edward  
McKelvain, Shannan Ivan  
Miclea, Cristina Nicole  
Muse, Eric Lee  
Muse, Michael Adam  
Muse, Richard Allen  
Navarre, Robert Jordan  
Navarre, Samuel Thomas  
Neal, Janis Ann  
Neal, Mallory Leann  
Neal, Mark Randell  
Neal, Stacey Ann  
Olson, Stacy LeAnn Rhodes  
Paxson, John Chandler  
Pittman, Samantha Gayle  
Polk, Kassandre Leigh  
Polk, Kristyn Ilene  
Rhodd, Daryl Lynn  
Rhodes, Aaron Paul  
Rhodes, Deborah Jean Whistler  
Rhodes, Deborah Marie  
Rhodes, George William  
Rhodes, Kristan Kay  
Riggle, Ashley Del  
Riggle, Athena Dawn Hillhouse  
Roberson, Nickolas Earl  
Roselius, Karen Lynne  
Roselius, Kathleen Ann  
Roselius, Mary Jacqueline  
Roselius, Rebecca Opal  
Roselius, Renee Michelle  
Russell, Andrew James  
Sander, Fredrick Heith

Sanders, Everett George Jr.  
Shultis, Debbie Lynn McGinty  
Simpson, Bobby Gene  
Solem, Corrie Beth  
Spalding, David Wescott  
Spalding, Eugene Fredric  
Spencer, Jeffrey Keith  
Spencer, Natalie Ann  
Steinsiek, Bryan Tate  
Steinsiek, Tasy Kay  
Stewart, Amber Marie  
Stewart, Jaymie Lynn  
Stewart, Jeffrey David  
Stewart, Karen Elaine  
Stewart, Scott Joseph  
Sweeten, Ray C.  
Taylor, Laura Ann Atkinson  
Taylor, Randy Lee  
Thomas, Saranne Elizabeth  
Thompson, William John

Trout, Ralph Ray  
Tune, Herbert Glen Jr.  
Tune, Jeremy Don  
Tune, John Wayman  
Tunnell, Alison Louise  
Tweitmeyer, Allison Jean  
Vandehey, Mandy Michelle  
Vargas, Candice Rose  
Vargas, Christinia Ann  
Venson, LaBryant Terrell  
Wagoner, Ashley Elaine  
Wagoner, Lindsay Elizabeth  
Walker, Aaron Lael  
Walker, Donald Carl II  
Wall, Mika Alena  
Wall, Teresa Jean  
Ward, Amber Kethleen  
Ward, Patrick Metz  
Wayne, Sherrell Ann Baird  
Webster, Benjamin Gregson

Webster, Nicholas Tyson  
Westmoreland, Brian James  
Westmoreland, Richard Keith Jr.  
Westmoreland, Tina Marie  
White, Cady A.  
White, Corry A.  
White, Jamie Lyn  
White, Kenneth Allen  
White, Leslie Paul  
Whitt, Margaret Anne  
Whitt, Michael Gene  
Whitt, Timothy Adam  
Willmet, Joshua Amos  
Willmet, Rebecca Dawn  
Wilson, Michael Jon  
Wilson, Shawn Michael  
Witt, Aleesha Dawn  
Yott, Jason Alan  
Yott, Russell Lee

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**OTHER ACTIVITIES...**

Four-person scramble on Friday, June 28, at 10 a.m. Deadline time 9:30 a.m. Meal for golfers on Saturday after qualifications. Annual Potawatomi PowWow. Bingo. Trading Post Specials. Horseshoe Tournament (Register Saturday, 7 a.m.).

**FOR MORE INFORMATION**

- Truman Kaskuske... (405) 275-2310
- John Lair, FireLake Golf Pro... (405) 275-4471

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Make money orders or cashiers checks payable to FireLake Golf Course. Cash entries only on Saturday, June 29. Mail registration to:

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ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

ENTRY FEE: \$45 for two days of golf, green fees, meal, prizes and more. Scramble fee is an additional \$10 plus \$8 green fee; Friday morning, 10 a.m. \$HARP. Rental carts available.

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# ST. MARYS

By Father Maurice Gaillard

## Diary Of The Potawatomie Mission Of St. Marys On The Lake

1874

January 2:

The students are again back in school; there are ninety-four boarders.

January 9:

Reverend Father Driessen begins his eight-day retreat.

January 14:

Today at four o'clock A.M. one old wood house which had been built more than twenty years ago caught fire and burned down; nothing of value was destroyed.

February 2:

The seminarians of Bishop Fink, Schurtz, O'Riley and Kuhn began their eight-day retreat.<sup>202</sup>

February 9:

Brother McMonany begin his eight-day retreat.

February 23:

Since the birthday of the great man, Washington, fell on Sunday, we celebrated it the next day, to the great satisfaction of ours and also of the townfold; the students conducted a literary programme in English, German and Latin. Reverend Father Defouri and Father Romuson, secular priests, were present at these exercises.<sup>204</sup>

February 25:

Father Gaillard begins his retreat.

March 2:

The Indians sent a delegation to Washington, comprised of P. Pemamiketuk, Mikonde, Benjamin Bertrand, Joseph Walsh, James Bekey to inquire about the money owed them.<sup>205</sup>

March 4:

Today Father Fogerty, a secular priest, began the Spiritual Exercises of Saint Ignatius.

March 17:

The Feast of Saint Patrick. There was a solemn high Mass at ten-thirty, at which Mass Carissime McErland preached the sermon. After the Mass there was a procession through the town, accompanied by music. In the evening at seven o'clock the students entertained us with a literary programme. Reverend Father Superior gave a talk at Topeka.

April 1:

The three-day retreat for the students started today, conducted by Reverend Father Rimmole.

April 12:

We paid reverence to a student, Ignatius Alexander, who passed away. The students received Holy Communion for their friend. There was a Solemn High Mass in the church at seven o'clock for him during which there was a short sermon.<sup>206</sup>

April 22:

Reverend Father Kuppens begins his retreat.

April 28:

Father Butler, a secular priest, began his four-day retreat.

May 1:

In the church, the May devotions are held as usual at seven-thirty P.M. with a brief instruction followed by Benediction of the Blessed Sacrament. During the Benediction the students sang.<sup>207</sup>

May 4:

Reverend Father Rector went to St. Louis; he returned on the ninth.

May 10:

Forty-nine received Confirmation; some were students and others were from our parish. After the Solemn High Mass, Reverend Bishop Louis Fink preached a sermon to the people and again he gave another sermon after he had bestowed confirmation. He extorted the people strongly to finish their new church.

May 19:

Father Cunningham came to make the eight-day retreat. He is a secular priest, living at Lawrence, Kansas.

May 27:

Father Stuntebeck, Superior of the College, and Father Cunningham are going to Leavenworth to greet the Reverend Bishop J. B. Miede, returning from South America where he had begged money for his church. The well on the hill is finished. We begin to build a granary.

May 29:

We began the triduum for the renovation of vows.

June 1:

Today, on account of the transfer of the feast of the Help of Christians, the renovation of vows was held.

June 2:

Reverend Bishop J. B. Miede arrived. Father Defouri, from Topeka, Father Perrier, from Emporia, and Father Goud, from Brasil, accompanied him.<sup>208</sup>

June 3:

Reverend Father Thomas O'Neil, the Provincial, arrived.

June 4:

The Reverend Bishop left for Leavenworth.

June 5:

Reverend Father Provincial left.

June 11-12-13:

A bazaar was held for the building of the church in St. Marys.

June 15:

From the bazaars Reverend Father Kuppens received around a thousand dollars, besides getting horses and cattle.<sup>209</sup>

June 22:

Reverend Bishop J. B. Miede arrived here to make an eight-day retreat. During these days he examined the students in our college. The greater number of students met the expectations of the Bishop.

June 25:

A programme was held in the convent of the sisters of the Sacred Heart.

June 26:

There was a literary contest in English, Gaelic, German, Latin and Greek held publicly in the college; afterwards prizes were distributed.<sup>210</sup>

July 4:

Father Kuhls, a secular priest, left here after finishing his retreat.

July 5:

Reverend Bishop Miede left for Leavenworth.

July 11:

Father Dalton, a secular priest, after he had made two days of the Spiritual Exercises returned to Kansas City.<sup>211</sup>

July 13:

The scholastics, Patrick Murphy and Daniel McErleane, went to St. Louis. The former will go on to Woodstock, the other after a vacation will return to us. Kinsella, a secular priest and a candidate for the Society, went along with them.<sup>212</sup> There is a great drought—need for rain—the country is in a bad way.

July 18:

Father Verdin and Father Harts arrived as visitors; after a three-day visit they left again.<sup>213</sup>

July 23:

Today Father Joseph Rimmole began his retreat.

July 31:

Father Joseph Rimmole pronounced his first vows. The Feast of Saint Ignatius. Bishop J. B. Miede celebrated it with us.

August 2:

At two o'clock P.M. benediction was held at the foundation spot dug for the new church. A great crowd was present.

August 3:

The cattle and horses for building the church were sold for \$1,100.00.

August 5:

The Sisters of the Sacred Heart began their retreat under the direction of the Father Rector.

August 7:

The brothers coadjutor began their annual retreat under Father Rimmole. At this time, after a long and intense dry season, armies of locusts have invaded our territories and are devouring our grains and other products of our land by an unsightly bite.<sup>214</sup>

August 20:

Riordan, teacher, arrived from Osage Mission.<sup>215</sup>

August 27:

Daniel McErleane, a scholastic, James Weirs, a scholastic, and Herm Abel, coadjutor novice, arrived from St. Louis.<sup>216</sup>

August 28:

Brother Patrick Butler left for St. Louis.

September 6:

There are twenty-five boarders.

September 7:

This day had been announced as the opening of classes, but the day classes were not started. Fourteen students had arrived, setting the number of boarders at thirty-nine.

September 8:

There are forty seven boarders.

September 9:

There are fifty-two boarders. Today Reverend Father Weber visited us.<sup>217</sup>

September 10:

There are fifty-three boarders.

September 11:

There are fifty-eight boarders.

September 12:

There are fifty-six boarders.

September 13:

There are fifty-eight boarders.

September 14:

There are sixty boarders.

September 16:

There are sixty-two boarders.

September 18:

There are sixty-five boarders.

September 19:

There are sixty-six boarders.

September 21:

There are sixty-eight boarders.

September 23:

The Mass of the Holy Spirit was celebrated.

September 29:

There are sixty-nine boarders.

September 30:

There are seventy boarders.

October 6:

There are seventy-two boarders.

October 20:

There are seventy-three boarders.

Today Fathers Mouillet and Schurtz, secular priests, began their three-day retreat.<sup>218</sup>

October 27:

Reverend Father Thomas O'Neil, Provincial, arrived and will make a visitation of the house. Father Converse, the Province Procurator, accompanied him. On the next day he returned to St. Louis.<sup>219</sup>

November 4:

Reverend Father Provincial left.

November 12:

Since we will not have enough hay to feed the cattle, we shipped forty-eight cattle to St. Louis and sold them to the Fathers at St. Louis University.<sup>220</sup>

November 18:

There was a tremendous snowfall, which soon melted.

November 27:

Again there was an abundant snowfall. Reverend Father O'Riley from Irish Creek came here to make a retreat.<sup>221</sup>

December 1:

Reverend Bishop Miede resigned the Episcopate. His resignation was accepted.<sup>222</sup>

## footnotes

<sup>202</sup> In Sadlier's Catholic Directory for 1875, we find Father J. C. Schurtz listed as residing at St. Aloysius Church, Wichita, Kansas.

In the 1877's Directory we find recorded Father J. O'Riley and H. Huhns, both stationed at the Cathedral of the Immaculate Conception, Leavenworth, Kansas.

<sup>205</sup> Father O'Connor speaks of these

literary exhibitions in this way: "Besides the evidences of scholastic progress afforded in the exercises of Commencement day, literary programs were offered the public on other occasions during the year notably Washington's Birthday and St. Patrick's day. The first Washington Birthday celebration took place in 1871."

O'Connor, *op. cit.*, p. 362.

<sup>204</sup> Father J. L. Remuson is listed in the 1877's Directory as residing at the parish church of Santa Crus, La Canada. Sadlier, *op. cit.*, p. 170.

<sup>205</sup> Benjamin Bertrand belonged to the celebrated Michigan-Indians band of Potawatomes. The name Bertrand was

the most prominent name, perhaps, in their tribe. The town of Bertrand on the Michigan-Indiana line and Bertrand Avenue in St. Marys derive their names from this family. Benjamin was mixed French and Indian blood. He was chosen in 1867 by the Potawatomie tribe to go to Washington to represent the interest of the mission in the proposed Treaty of that year. Garraghan, *op. cit.*, II, 698-699.  
continued on page 9



# ST. MARYS

By Father Maurice Gailland

## Diary Of The Potawatomi Mission Of St. Marys On The Lake — footnotes —

<sup>206</sup> Ignatius Alexander was form Milwood, Kansas. He is registered at St. Mary's for the year 1872-1873.

<sup>207</sup> May devotion at St. Mary's goes back to the first days of the mission; however, the practice of having these devotions to Mary in the evening rather than during the Mass or immediately following it was started in May of 1870. The services consisted of a short sermon, prayers, especially the litany of the Blessed Virgin and Benediction.

"Besides these ordinary practices which are in favor with the faithful everywhere, St. Mary's had it's own peculiar custom. On the eastern brow of the hill, just north of the old college buildings, stood a May chapel, popularly known as the Indian shrine. It was a circular space with a conical roof and latticed sides, resting on a wall or foundation of rough stones about four feet high. within the shrine was a small altar with a statue of the Blessed Virgin. This chapel dates back to the Indian days, and there is a legend connected with it that once on a time a little Indian maiden was favored on this spot with an apparition of the Virgin Mother." O'Connor, *op. cit.*, pp. 364-5.

<sup>208</sup> Father Goud must have been just a visitor in this country. His name does not appear in Sadlier's Catholic Directory for the United States during the 1870's.

<sup>209</sup> On account of the bazaar records

fourteen hundred dollars as the amount received, besides the donation of a number of horses and oxen. Cf. O'Connor, *op. cit.*, p. 372.

<sup>210</sup> Father O'Connor writes of this exhibition in the following account:

"The closing exercises of June 26, 1874, were distinguished by a remarkable linguistic exhibition, perhaps never before nor since witnessed at St. Mary's. The youth of 1874 essayed to entertain their auditors with original compositions in English, Irish, German, Latin and Greek. Bishop Miede arrived at the college during the examinations preceding this display of proficiency in modern and ancient languages and was probably one of the audience." O'Connor, *op. cit.*, p. 359.

<sup>211</sup> Father William Dalton was stationed at the Church of the Assumption, Kansas City, Missouri. Sadlier, *op. cit.*, p. 102.

<sup>212</sup> Father John Kinsella is listed Sadlier's Catholic Directory as stationed at Holy Assumption Church, Milwaukee, Wisconsin. Perhaps this is the same man mentioned in this entry by Father Gailland.

<sup>213</sup> Father Verdin was stationed at the Church of the Holy Family 417 West 12th St., Chicago, Illinois. Sadlier, *op. cit.*, 1878, p. 380.

Father Harts was stationed at St. Francis Xavier Church, St. Louis, Missouri.

Sadlier, *op. cit.*, 1875, p. 99.

<sup>214</sup> In the Alma Harold for 1874 we read: "This is known in Kansas Annals as the "grasshopper year." The grasshoppers (or locusts) came in myriads, obscuring the sun, and in a few short hours transformed a land teeming plenty into a desert waste. A truthful story would savor of Munchausonson and the narrator be set down as unworthy of belief. They devoured every green thing, even the leaves of the tress and their excrement falling into streams poisoned the fish. Many cattle died from drinking the water and others were fatally poisoned by eating the remains of the fodder shocks on which they alighted and partly devoured. Melons were eaten to the core and the vines destroyed. A patch of turnips was but as a luncheon, the insects burrowing into the chambers hollowed out by their mandibles. There had been a dearth of moisture and between drouth and the grasshoppers the settlers were ground as between the upper and nether millstones. Million of holes were bored in the ground, wherein myriads of eggs were deposited, and when the warm sunshine of spring came, from every egg was hatched a grasshopper. To destroy the insects many plans were devised but little was accomplished. They had come as unbidden guests and the plagued pests had seemingly settled down for another feast when their wings were unfolded and they

departed, as unceremoniously as they had come, and it is hoped, to a place where grasshopper's visits are more welcome than in Kansas."

<sup>215</sup> Riordan mentioned in this entry may be Thomas Riordan listed as a student in the mission school in 1881. Thomas Riordan was from Solomon Creek.

<sup>216</sup> Brother Herman Abel was at St. Mary's for approximately three years, leaving on July 12, 1877.

<sup>217</sup> Father Joseph Weber was stationed at St. Joseph's Church, Eleventh and Biddle, St. Louis, Missouri. Sadlier, *op. cit.*, 1875, p. 100.

<sup>218</sup> There is no Father Mouillet listed in Sadlier's Catholic Directory for 1875. Perhaps Father Gailland meant Father Mollier who was stationed at Beaver Creek at this time.

<sup>219</sup> Father James Converse served as College procurator at Bardstown, Kentucky, before he was assigned to this task. He was on the mission band in the years 1864-5. He received special recommendation from the Archbishop of Cincinnati for his outstanding service to the Federal troops during the Civil War. Garraghan, *op. cit.*, II, 85, 155; III, 15, 342.

**In the May issue of the  
HowNiKan, St. Mary's was  
not dated. It should have  
been 1873**

## Smokeshop owners responsible for taxes on sales to non-Indians

(From *The Muscogee Nation News*, April 1991) — Reactions to the U.S. Supreme Court ruling in the Potawatomi tobacco case have been varied despite position statements issued by Muscogee (Creek) government officials.

The high court ruled the Oklahoma Tax Commission is entitled to collect a state sales tax on goods sold by Indians to non-tribal members.

The high court did not, however, waive the tribe's immunity to suit leaving the OTC without means to collect against tribes.

Tribal officials were advised by the OTC that individual smokeshop operators and managers could be held liable for the tax.

Some shops have closed. Some have limited sales to tribal members. For some, it's business as usual.

Information about the OTC's response to the high court suit was relayed to smokeshop owners by letter from Creek nation Gaming and Taxation Commissioner Tim Harper.

Dated March 4, and signed by Harper and Principal Chief Claude Cox, the letter says all licensed smokeshop owners and operators are responsible for any taxes for sales made to non-tribal members.

"The action taken by the commissioner and the Principal Chief is premature," National Council Speaker Ken Childers said.

At a March 7 special session, Childers was authorized by the Council to write a letter to the OTC.

In that letter, Childers wrote that only Congress can regulate commerce with Indian tribes. The letter is signed by Childers and tribal Supreme Court Justice Joe Johnson.

Childers also issued a letter to all smokeshops licensed by the tribe. Childers told the licensees that the Council supported those smokeshops whose licenses and tax payments were on schedule.

Childers encouraged smokeshops to continue operating as designed by ordinance. Those having problems with the OTC are encouraged to contact the Council offices.

At least one community representative said the letters

were confusing.

Checotah community leader Joe Fox said his community has begun selling to tribal members only. Checotah paid \$15,956 in taxes in the first three months of fiscal year 1991, selling to the general public.

"The community's cigarette sales have decreased and to my knowledge we're the only community taking this course of action," Fox said.

Fox said the community's board of directors are uncertain about the validity Childers' letter to the smokeshops. He said the letter was signed by Karen Mackey, Council secretary.

But Childers said that practice is not unusual.

"That letter is valid," Childers said. "I'm 50 miles away from the (speaker's) office, sometimes I can't get there to sign letters."

The Council also approved a policy and position statement, authored by Tulsa District Rep. Jerry Wilson, at a March 21 special session.

The basic policy is:

- To continue operating smokeshops within the political jurisdiction of the Creek Nation;
- Support and provide for the defense of any agent of the tribe who is sued for the collection of state sales tax;
- To determine the feasibility of owning and operating a tobacco wholesale distributorship, and;
- Solicit Congress to pass legislation supporting tribal self-determination.

Tribal administrators find nothing wrong with the basic language of the bill but note that the position has no funding and no structure with which to implement such a policy.

Cox said the policy doesn't provide for any procedures if anyone does need legal assistance.

Cox said smokeshop operators are at risk. He also contends the tribe can negotiate an agreement with the state as long as any arrangements have the blessing of the federal government.

"We're going to negotiate with the state and find out what (Gov. David Walters) might want to do," Cox said. "In the meantime, the tax commission can make life

pretty miserable for operators."

The Gaming Operations Authority Board has stopped selling cigarettes at Creek Nation's Tulsa Bingo. Harper said he will stand by the regulations issued in his letter.

At least two individually-owned smokeshops have closed. Others are seeing declining sales. Most of those smokeshop operators surveyed asked not to be identified.

The immediate reaction from the Supreme Court's decision has been the difficulty of getting cigarettes to smokeshops.

Most shops were being supplied by Taylor Wholesale in Coffeyville, Kan. After receiving a letter for the OTC warning of possible actions, Taylor stopped supplying to smokeshops.

Other suppliers have increased their costs, hedging against any OTC claim for state sales taxes.

David Bruner, operating smokeshops in Tulsa and Broken Arrow with his brother Danny, said the OTC has scared off a few distributors but their operation has maintained a steady supplier.

"We've been working with the same distributor for three years," Bruner said. "We've all been inconvenienced some (by the ruling)."

Bruner said he hasn't had any contact with the OTC since the ruling and was continuing operations as before the ruling.

The Bruners are not strangers to smokeshop controversy. In the 1980s, the OTC sued Danny Bruner for non-payment of taxes. Bruner was instructed then to sell only to tribal members.

Bruner also had differences with the tribal tax commission for non-payment of tribal taxes and operating without a tribal license.

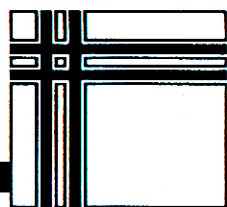
Both conflicts have been resolved and the Bruners continue to operate their smokeshops.

"What most people don't realize, is that Danny started this business from the trunk of his car," Bruner said.

"He's a good example of an Indian that has done (well)."

"We're going to keep selling cigarettes until people stop buying them."





# TREATIES: *Treaties with the Potawatomi, 1834 & 1836*

1836

*Articles of a treaty made and concluded at Chippe-way-naung in the State of Indiana, on the twenty-third day of September in the Year one thousand eight hundred and thirty-six, between Abel C. Pepper commissioner on the part of the United States, and the chiefs, warriors and headmen of the Potawattamie Indians of the Wabash.*

ART. 1. The chiefs, warriors and headmen of the Potawattamies of the Wabash hereby cede to the United States, all the land belonging to the said tribe, in the State of Indiana, and designated in the treaty of 1832, (between Jonathan Jennings, John W. Davis and Marks Crume, commissioners of the United States, and the chiefs and warriors of the Potawattimies of the State of Indiana, and Michigan Territory) as reservations for the use of the following bands viz.

For the band of Kin-krash, four sections...4 sec.  
For the band of Che-chaw-kose, ten sections...10 do.  
For the band of Ash-kum and Wee-si-o-nas, sixteen sections...16 do.  
For the band of We-saw, four sections...4 do.  
For the band of Mo-ta, four sections...4 do.  
For the bands of Mi-no-quet, four sections...4 do.

ART. 2. In consideration of the cession aforesaid the United States stipulate to pay the above chiefs, warriors and headmen of the Pottawattimie nation one dollar and twenty-five cents per acre or thirty-three thousand six hundred dollars, (36,600) in specie, on or before the first of May, in the year eighteen hundred and thirty-seven.

ART. 3. The above-named chiefs, warriors and headmen of the Potowattimies of the Wabash agree to remove to the country west of the Mississippi river, provided for the Potawattimie nation by the United States within two years.

ART. 4. At the request of the above-named chiefs, warriors and headmen of the Pottawattimies aforesaid, it is stipulated that after the ratification of this treaty, the United States shall appoint a commissioner who shall be authorized to pay such debts of said Wabash Potawattimies as may be proved to his satisfaction to be just, to be deducted from the amount stipulated in the 2d article of this treaty.

ART. 5. The United States stipulate to provide for the payment of the necessary expenses attending the making and concluding this treaty.

ART. 6. This treaty shall be binding upon the parties aforesaid from the date of its ratification of the President and Senate of the United States.

In testimony whereof, the said Abel C. Pepper, commissioner as aforesaid, and the said chiefs, warriors, and head men of the Patawattamies of the Wabash, have hereunto set their hands, the day and year first above written.

Abel C. Pepper, commissioner,  
Pash-po-ho, his x mark,  
O-koh-mause, his x mark,  
Jo-weh, his x mark,  
Mjo-quiss, his x mark,  
We-wis-sah, his x mark,  
Pe-pin-a-waw, his x mark,  
No-taw-kah, his x mark,  
Po-kah-gause, his x mark,  
Nas-waw-ray, his x mark,  
Ash-kum, his x mark,  
Ke-waw-nay, his x mark,  
Mat-che-saw, his x mark,  
Ne-boash, his x mark,  
Mee-shawk, his x mark,  
Che-kay-me, his x mark,  
Kaw-te-nose, his x mark,  
Saw-waw-quett, his x mark,  
W-daw-min, his x mark,  
Kaw-we-saut, his x mark.

Witnesses:

J.B. Duret, secretary,  
E.O. Cicott,  
I.P. Simonton, captain, First Regiment U.S. Dragoons,  
Joseph Barron, interpreter,  
Allen Hamilton,  
Cyrus Vigus,  
Job B. Eldrige,  
Peter Barron.

The above named chiefs acknowledge themselves to be justly indebted to Hamilton and Comperet, in the sum of eight hundred dollars, and request that it may be paid and deducted from the consideration named in the above treaty.

1836

*Articles of a treaty made and concluded at a camp near Yellow river, in the state of Indiana, between Abel C. Pepper, commissioner on the part of the United States and Pe-pin-a-waw, No-taw-kah &*

*Mac-kah-tah-mo-ah, chiefs and headmen of the Potawattimie tribe of Indians, and their bands on the fifth day of August in the year eighteen hundred and thirty-six.*

ART. 1st. The above named chiefs and headmen and their bands hereby cede to the United States twenty-two sections of land reserved for them by the second article of the treaty between the United States and the Potawattimie tribe of Indians on Tippecanoe river, on the twenty-sixth day of October in the year eighteen hundred and thirty-two.

ART. 2d. In consideration of the cession aforesaid, the United States stipulate to pay to the above named chiefs and headmen and their bands, the sum of fourteen thousand eighty dollars in specie after the ratification of this treaty, and on or before the first day of May next ensuing the date hereof.

ART. 3d. The above named chiefs and headmen and their bands agree to remove to the country west of the Mississippi river, provided for the Potawattimie nation by the United States within two years.

ART. 4th. At the request of the above named band it is stipulated that after the ratification of this treaty, the United States shall appoint a commissioner, who shall be authorized to pay such debts of the said band as may be proved to his satisfaction to be just, to be deducted from the amount stipulated in the second article of this treaty.

ART. 5th. The United States stipulate to provide for the payment of the necessary expences attending the making and concluding this treaty.

ART. 6th. This treaty, after the same shall be ratified by the President and Senate of the United States, shall be binding upon both parties.

In testimony whereof, the said Abel C. Pepper, commissioner as aforesaid, and the said chiefs, and headmen, and their bands, have hereunto set their hands, this fifth day of August, in the year of our Lord one thousand eight hundred and thirty-six.

A.C. Pepper,  
Pee-pin-ah-waw, his x mark,  
No-taw-kah, his x mark,  
Te-cum-see, his x mark,  
Pam-bo-go, his x mark,  
Mup-paw-hue, his x mark,  
See-co-ase, his x mark,  
Mack-kah-tah-mo-may, his x mark,  
Wi-aw-koos-say, his x mark,  
Quah-taw, his x mark,  
Kaw-kawk-kay, his x mark,  
Pis-saw, his x mark,  
Nas-waw-kay, his x mark.

Proper chiefs of the Wabash Patawattamies:

Pash-po-ho, his x mark,  
I-o-wah, his x mark,  
O-kah-maus, his x mark,  
Jo-quiss, his x mark,  
We-wis-sah, his x mark,  
Nas-waw-kah, his x mark,  
Ash-kum, his x mark,  
Ku-waw-nay, his x mark,  
Nu-bosh, his x mark,  
Pah-siss, his x mark,  
Mat-chis-saw, his x mark,  
Mas-saw, his x mark,  
Me-shaw-ki-to-quah, his x mark.

Witnesses:

J. B. Duret, secretary,  
E.O. Cicott,  
Geo. W. Ewing,  
Jos. Barron, interpreter.

1836

*Articles of a treaty made and concluded on Tippecanoe river in the State of Indiana between Abel. C. Pepper commissioner on the part of the United States and Wau-ke-wa Che-cose's only son a Pottawatamy chief and his band, on the twenty-ninth day of March, eighteen hundred and thirty-six.*

ART. 1. The above named chief and his band hereby cede to the United States the four sections of land reserved for them by the second article of the treaty between the United States and the Pottawatamy Indians.

ART. 2. The above named chief and his band agree to yield peaceable possession of said land within three months from this date, and to remove to the country provided for the Pottawatamy nation west of the Mississippi river within two years.

ART. 3. In consideration of the cession aforesaid the United states stipulate to pay the above named chief and his band twenty-five hundred and sixty dollars in specie at the first payment of annuity after the ratification of this treaty.

ART. 4. The United States stipulate to provide for the

payment of the necessary expenses attending the making and concluding this treaty.

ART. 5. This treaty shall be binding upon both the parties from the date of its ratification by the President and Senate of the United States.

ART. 6. [Stricken out by Senate.]

In testimony whereof, the said Abel C. Pepper, commissioner on the part of the United states, and the above named chief and head men, have hereunto subscribed their names, the day and year above written.

Abel c. Pepper,  
Wau-ke-wau, his x mark,  
Waw-was-mo-queh, widow of Che-cose, her x mark,  
Te-shaw-gen, his x mark,  
Mes-quaw, her x mark,  
Pah-Siss, his x mark,  
She-aw-ke-pee, his x mark.

Witness:

C. Carter, secretary.  
Henry Ossem, interpreter.

1834

*Articles of a Treaty made and concluded at a camp on Tippecanoe river, in the State of Indiana, between William Marshall, Commissioner on the part of the United States and Muck Rose, a Chief of the Potawattamie tribe of Indians, and his band, on the tenth day of December, in the year eighteen hundred and thirty-four.*

ART. 1. The above named chief and his band hereby cede to the United States, six sections of land reserved for them by the second article of the treaty between the United States and the Pottawattamie Indians on Tippecanoe river, on the twenty-sixth day of October, in the year, eighteen hundred and thirty-two.

ART. 2. The above named chief and his band agree to yield peaceable possession of the said sections of land to the United States within three years from the date of the ratification of said treaty of eighteen hundred and thirty-two.

ART. 3. In consideration of the cession aforesaid the United States stipulate to pay to the above named chief and his band, four hundred dollars in goods at the signing of this treaty, and an annuity of one thousand dollars for two years, the receipt of which former sum of (four hundred dollars in goods) is hereby acknowledged.

ART. 4. This treaty shall be binding upon both parties from the date of its ratification by the President and senate of the United States.

In testimony whereof, the said William Marshall, commissioner on the part of the United States, and the above named chief and his band, have hereunto subscribed their names the day and year above written.

William Marshall,  
Muck Rose, his x mark,  
Paw-tisse, his x mark,  
Sis-see-yaw, his x mark,  
Wau-pish-shaw, his x mark,  
Koo-tah-waun-nay, his x mark,

Witnesses:

J.B. Duret, secretary,  
Cyrus Taber,  
Henry Ossem, interpreter,  
J.B. Boure, interpreter,  
John B. Intrais,  
Joseph Barron, principal interpreter,  
Jesse Vermilya.

1834

*Articles of a treaty made and concluded at the Indian Agency, Logansport, Indiana, between William Marshall, Commissioner on the part of the United States and Mota, a chief of the Potawattimie tribe of Indians, and his band on the 17th day of December, in the year eighteen hundred and thirty-four.*

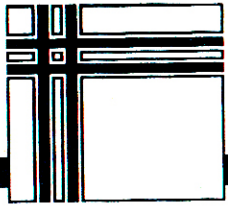
ART. 1. The above-named Chief and his band hereby cede to the United States the four sections of land reserved for them by the second article of the treaty between the United States and the Potawattimie Indians on the twenty-seventh day of October in the year eighteen hundred and thirty-two.

ART. 2. The above named chief and head men and their band, do hereby agree to yield peaceable possession of said sections, and to remove, with their families, to a country provided for them by the United States, west of the Mississippi river, within three years or less from the date of the ratification of said treaty of eighteen hundred and thirty-two.

ART. 3. The United States, in consideration of the cession, made in the first article of this treaty, do hereby stipulate to remove the above named chief and headmen and their bands to the new country provided for them, and to furnish them either goods, farming utensils or other articles necessary for the, agreeably to the provisions of the fifth article of the treaty of October twenty-sixth, eighteen hundred and thirty-two.

continued on page 11





# TREATIES: *Continued from previous page*

ART. 4. The United States further stipulate to pay to the above named chief, and head men and their bands, the sum of six hundred and eighty dollars in goods, at the signing of this treaty, and the further sum of six hundred dollars in cash at the payment of their annuities in 1835, the receipt of which former sum of (six hundred and eighty dollars in goods) is hereby acknowledged.

ART. 5. This treaty shall be binding upon both parties, from the date of its ratification by the Senate of the United States.

In testimony whereof, the said William Marshall, commissioner on the part of the United States, and the above named chief and head men, for themselves and their bands, have hereunto subscribed their names, the day and year above written.

William Marshall,  
Mo-ta, his x mark,  
Ta-puck-koo-nee-nee, his x mark,  
Shah-yauc-koo-pay, his x mark,  
To-tauk-gaus, his x mark,  
Poke-kee-to, his x mark,  
Wau-no-guen, his x mark,  
Shi-pe-she-waw-no, his x mark,  
Mtaw-mah, his x mark,  
Ship-pe-shick-quah, his x mark,  
Aw-sho-kish-ko-quah, his x mark,  
Pash-kum-ma-ko-quah, his x mark,  
Me-naun-quah, his x mark,  
Pee-nas-quah, his x mark,  
Mee-shah-ke-to-quah, his x mark,  
Was-pee-shah-me-to-quah, his x mark,  
Mat-che-ke-no-quah, his x mark,  
Wau-waus-sa-mo-quah, his x mark,  
Saw-moke-quaw, his x mark,

Witnesses:

J.B. Duret, secretary to commissioner,  
Jesse Vermilya,  
Joseph Barron, interpreter.

1836

*Articles of a treaty made and concluded at the Indian Agency, in the State of Indiana, between Abel C. Pepper, commissioner on the part of the United States and O-kah-mause, Kee-waw-nay, Nee-boash, and Mat-chis-jaw, chiefs and head men of the Patawattimie tribe of Indians and their bands, on the twenty-second day of April, in the year eighteen hundred and thirty-six.*

ART. 1. The above named chiefs and head men and their bands, hereby cede to the United States, ten sections of land, reserved for them by the second article of the treaty, between the United States and the Patawattimie tribe of Indians, on Tippecanoe river, on the 26th day of October, in the year 1832.

ART. 2. In consideration of the cession aforesaid, the United States stipulate to pay to the above-named chiefs and head men and their bands, the sum of six thousand four hundred dollars, at the first payment of annuity, after the ratification of this treaty.

ART. 3. The above-named chiefs and head men and their bands agree to remove to the country west of the Mississippi river, provided for the Patawattimie nation by the United States, within two years.

ART. 4. [Stricken out by Senate.]

ART. 5. The United States stipulate to provide for the payment of the necessary expenses attending the making and concluding this treaty.

ART. 6. This treaty, after the same shall be ratified by the President and Senate of the United States, shall be binding upon both parties.

In testimony thereof, the said Abel C. Pepper, commissioner as aforesaid, and the said chiefs and head men and their bands, have hereunto set their hands, this 22d day of April, A.D. 1836.

Abel C. Pepper,  
Pash-po-ho, his x mark,  
O-kaw-mause, his x mark,  
Kee-waw-nee, his x mark,  
Nee-boash, or twisted head, his x mark,  
I-o-weh, or nation's name, his x mark,  
Miss-no-qui, female fish, his x mark,  
Kaw-che-noss, his x mark,  
Cho-quiss, fishes entrails, his x mark,  
Ma-che-saw, bleating fawn, his x mark,  
Waw-po-ko-ne-aw, white night, his x mark,  
Ah-muck, his x mark,  
Kohe-kah-me, his x mark,  
Que-que-nuk, his x mark,

Witnesses:

Geo. W. Ewing,  
Cyrus Tober,  
J.B. Duret, secretary,  
Peter Barron,  
Joseph Bamont, interpreter.

1836

*Articles of a treaty made and concluded at Chippewanaung in the State of Indiana, between Abel C. Pepper, commissioner on the part of the United States, and To-i-sa's brother Me-mat-way and Che-quaw-ka-ko, chiefs and headmen of the Patawattimie tribe of Indians and their band on the twentieth day of September, in the year eighteen hundred and thirty-six.*

ART. 1. The above-named chiefs and headmen and their band hereby cede to the United States, ten sections of land reserved for them by the second article of the treaty between the United States, and the Patawattimie tribe of Indians, on Tippecanoe river, on the 27th day of October, in the year 1832.

ART. 2. In consideration of the cession aforesaid the United States stipulate to pay the above-named chiefs and headmen and their band the sum of eight thousand dollars on or before the first day of May next.

ART. 3. The above-named chiefs and headmen and their band agree to remove to the country west of the Mississippi river, provided for the Patawattimie nation by the United States, within two years.

ART. 4. At the request of the above-named band, it is stipulated that after the ratification of this treaty the United States shall appoint a commissioner who shall be authorized to pay such debts of the said band as may be proved to his satisfaction to be just, to be deducted from the amount stipulated in the second article of this treaty.

ART. 5. The United States stipulate to provide for the payment of the necessary expenses attending the making and concluding this treaty.

ART. 6. This treaty, after the same shall be ratified by the President and Senate of the United States, shall be binding upon both parties.

In testimony whereof, the said Abel C. Pepper, commissioner as aforesaid, and the said chiefs, and head men, and their band, have hereunto set their hands, this twentieth day of September, in the year eighteen hundred and thirty-six.

Abel C. Pepper,  
We-we-sah, or To-i-sa's brother, his x mark,  
Me-mot-way, his x mark,  
Che-quaw-ka-ko, his x mark,  
Min-tom-in, his x mark,  
Shaw-gwok-skuk, his x mark,  
Mee-kiss, or Kawk's widow, her x mark.

Witnesses:

J.B. Duret, secretary,  
Allen Hamilton,  
Cyrus Taber,  
Geo. W. Ewing,  
James Moree,  
Abram Burnett.

1834

*Articles of a treaty, made and concluded at the Potawattimie mills, in the State of Indiana, on the sixteenth day of December, in the year of our Lord one thousand eight hundred and thirty-four, between William Marshall Commissioner on the part of the United States and the Chiefs, headmen, and warriors of the Potawattamis Indians.*

ARTICLE 1st. The chiefs, head men and warriors aforesaid agree to cede to the United States their title and interest to a reservation made to them at the treaty on the Tippecanoe river on the 27th day of October 1832 of two sections of land to include their mills on said river.

ART. 2nd. In consideration of the cession aforesaid the United States agree to pay the Potawattimie Indians, at the payment of their annuities in 1835, the sum of seven hundred dollars in cash, and pay their just debts agreeably to a schedule hereunto annexed, amounting to nine hundred dollars.

ART. 3. The miller provided for by the 3rd article of the treaty with the Potawattimie tribe of Indians on the sixteenth day of October, in the year eighteen hundred and twenty-six, is not to be supported by the United States, and to cease from and after the signing of this treaty.

ART. 4. This treaty shall be binding upon both parties, from the date of its ratification by the President and Senate of the United States.

In testimony whereof, the said William Marshall, commissioner on the part of the United States, and the chiefs, head men, and warriors of the Potawatamie tribe of Indians, have hereunto subscribed their names, the day and year above written.

William Marshall,  
Ash-kum, his x mark,  
Ku-waw-nay, his x mark,  
Pash-po-ho, his x mark,  
Che-quawm-a-kaw-ko, his x mark,  
Nas-waw-kay, his x mark,  
Quash-quaw, his x mark,

Meno-quet, his x mark,  
Kin-koash, his x mark,  
No-law-kah, his x mark,  
Me-no-mi-nee, his x mark,  
Mas-kah-tah-mo-ah, his x mark,  
Pee-pis-kah, his x mark,  
Pam-bo-go, his x mark,  
Kaw-kaw-kay, his x mark,  
Wi-aw-koos-say, his x mark,  
Te-kam-a-say, his x mark,  
Sea-Coas, his x mark,  
Waw-paw-kue, his x mark,  
Mi-shaw-bo, his x mark,  
Te-quaw-kit, his x mark,  
Waw-pe-no-quah, his x mark,  
We-wus-sah, his x mark,  
O-kah-maul, his x mark,  
I-you-way, his x mark,  
Mat-chis-saw, his x mark.

Witnesses:

J.B. Duret, secretary,  
Cyrus Taber,  
J.B. Bourc, interpreter,  
Joseph Barron, principal interpreter.

It is agreed that the United States will satisfy the claims mentioned in the following schedule as provided for in the second article of the foregoing treaty.-viz:

To J.B. Duret, four hundred dollars.  
To Cyrus Taber, one hundred dollars.  
To Ewing Walker & Co., three hundred dollars.  
To Cyrus Vigus, one hundred dollars.

1836

*Articles of a treaty made and concluded at a camp on Tippecanoe river, in the State of Indiana, between Abel C. Pepper commissioner on the part of the United States, and Pau-koo-shuck, Aub-ba-naub-ba's oldest son and the head men of Aub-ba-naub-ba's band of Potawattimie Indians, this eleventh day of April in the year, eighteen hundred and thirty-six.*

ARTICLE 1. The aforesaid Pau-koo-shuck and the head men of Aub-ba-naub-ba's band, hereby cede to the United states the thirty-six sections of land reserved for them by the second article of the Treaty between the United States and the Potawattimie Indians on Tippecanoe river on the twenty-sixth day of October, in the year eighteen hundred and thirty-two,

ART. 2. In consideration of the cession aforesaid, the United States stipulate to pay to the aforesaid band the sum of twenty-three thousand and forty dollars in specie, one half at the first payment of annuity, after the ratification of this Treaty, and the other half at the succeeding payment of annuity,

ART. 3. The above-named Pau-koo-shuck and his band agree to remove to the country west of the Mississippi river, provided for the Potawattimie nation by the United States within two years.

ART. 4. [Stricken out by Senate.]

ART. 5. This Treaty, after the same shall be ratified by the President and Senate of the United States shall be binding upon both parties.

In testimony whereof, the said Abel C. Pepper, commissioner as aforesaid, and the said Pau-koo-shuck, and his band, have hereunto set their hands, this eleventh day of April, in the year of our Lord, one thousand eight hundred and thirty-six.

Abel C. Pepper,  
Pau-koo-shuck, his x mark,  
Taw-wah-quah, her x mark,  
Shah-quaw-ko-shuck, Aub-ba-naub-ba's son, his x mark,  
Mat-taw-mim, his x mark,  
Si-ni-quah, her x mark,  
Dah-moosh-ke-keaw, her x mark,  
Nan-wish-ma, his x mark,  
O-Sauk-kay, his x mark,  
Ke-waw-o-nuck, his x mark,  
Aut-tuine, his x mark,  
Sin-ba-nim, his x mark,  
Nees-se-ka-tah, his x mark,  
Kaw-ke-me, her x mark,  
Pe-waw-ko, her x mark,  
O-ket-chee, her x mark,  
Nan-cee, her x mark.

Witnesses:

E.O. Cicott, secretary,  
Henry Ossem,  
Thos. Robb,  
Wm. Polke,  
Joseph Bamont, principal interpreter  
Joseph Truckey,  
George W. Ewing,  
Cyrus Tober.



# Annual Report of Tribal Attorney

Prepared by Michael Minnis, David McCullough, Michael Minnis & Associates, P.C.

TO: The Citizen Band Potawatomi Indian Tribe of Oklahoma

FROM: Michael Minnis, Tribal Attorney

SUBJECT: Tribal Attorney's Report to General Council from July 1, 1990, to date of this report

DATE: June 10, 1991

The tribal attorney has provided continuing advice to the members of the Business Committee on a variety of matters. As in previous years, most of this fiscal year's tribal attorney's expenses have arisen from litigation. The Tribe's victory in the district court over Enterprise Management Consultants, Inc. and the corporate individuals has been completed with four substantive judgments. The Tribe's continuing fight with the Oklahoma taxing authorities has moved from the United States Supreme Court back to the district court and shifted from a cigarette tax assessment to a beer license dispute.

## I. LITIGATION. The litigation has been in three main areas:

### A. BINGO.

During the last five years, four cases have arisen out of the Tribe's successful effort to regain control over the tribal bingo game. One was resolved in a prior fiscal year. Two more were resolved this fiscal year, and one is pending. The suits resolved were filed by Leroy Wheeler and Enterprise Management Consultants, Inc. for reorganization under the bankruptcy laws. The Tribe's motions to dismiss these suits were granted. In the pending suit, the Tribe regained control over its own game, and judgments were entered in favor of the Tribe against: (1) Enterprise Management Consultants, Inc. (2) EMCI Property Management, Inc. (3) Leroy Wheeler and (4) John Clark Caldwell, III.

### B. TAXES.

The Tribe's fight against the Oklahoma Tax Commission's ("commission") effort to finish the disestablishment of the Indian tribes in Oklahoma has resulted in two suits. The first is an attempt to assess the Tribe with a cigarette tax for sales by the Tribe from 1981 through 1985. The Tenth Circuit held in favor of the Tribe. Although the Commission's petition for certiorari was granted, the United States Supreme Court did not allow the assessment and reaffirmed Tribal sovereignty. In the second suit, the Tribe has retained a temporary injunction prohibiting the Commission from interfering with the sale of non-intoxicating beverages on trust land pending resolution of the case.

### C. SOVEREIGNTY.

The Tribe has also defended two suits that attack sovereignty. The first was brought by former employee Pat Sulcer, a non-tribal member, against the Business Committee alleging that the elected body of the Tribe did not have the authority to terminate her employment with the Tribe. The Potawatomi Supreme Court affirmed dismissal of this suit. The second case, also brought by Sulcer, challenges the jurisdiction and integrity of the Tribal Court. In an action brought in the State Supreme Court, Sulcer argues that state courts do not have to recognize tribal divorce decrees and that the Tribal Court did not have jurisdiction over an Oklahoma resident. Finally, Sulcer challenges the integrity of the Court alleging tribal jurisdiction was obtained through fraud, duress and misrepresentation. II.

**LITIGATION SUMMARY.** In general, the goal in litigation has been to achieve the best result for the Tribe in the quickest possible time. To assist non-lawyers in evaluating this report, the summary set forth below has been prepared. If a matter is still pending, the period is to the date of this report.

### A. GOALS OBTAINED THIS FISCAL YEAR:

1. **Supreme Court affirms Tribe's sovereignty and tax assessment injunction** — The Supreme Court affirmed the Tenth Circuit dismissal of the Commission's counterclaim and affirmed the permanent injunction barring the Commission's \$2.6 million cigarette tax assessment.

2. **District Court enters judgment for Tribe against Caldwell** — The Tribe's motion for sanctions against John Clark Caldwell, III was granted, and the Tribe was awarded \$964,970 in damages.

3. **District Court enters judgment against Wheeler** — Judgment was also entered against Leroy Wheeler for \$630,638 in damages to the Tribe.

4. **District Court temporarily enjoins Commission from interfering with beer sales** — The Commission notified the Tribe's beer distributors that they could lose their licenses if they sold beer to any entity not licensed by the State of Oklahoma. The Tribe does not purchase a license from the State of Oklahoma. When the Tribe was notified by distributors that beer would no longer be sold to the Tribe, the Tribe applied for an injunction prohibiting the Commission from interfering with those sales. After granting the Tribe a preliminary injunction, the Trial Court took this case under advisement pending the result of the Commission's petition to the U.S. Supreme Court in the cigarette tax case. When the U.S. Supreme Court cigarette case decision was promulgated, the Commission promptly moved to lift the temporary injunction. The Tribe defeated this motion, and the temporary injunction is still in place.

5. **Potawatomi Supreme Court affirms dismissal of Sulcer suit** — In a 4-2 decision, the highest tribal court affirmed a district court order dismissing Sulcer's suit.

6. **Bankruptcy Court dismisses Wheeler case** — The Federal Bankruptcy Court for the Western District of Oklahoma granted the Tribe's motion to dismiss Wheeler's petition for reorganization under bankruptcy laws.

7. **Bankruptcy Court dismisses Enterprise case** — The Federal Bankruptcy Court for the Western District of Oklahoma granted the Tribe's motion to dismiss the petition for reorganization filed by Enterprise Management Consultants, Inc.

### B. GOALS NOT YET OBTAINED.

1. **Collection of judgments and defense of Enterprise appeals** — Although substantial judgments have been entered against the two corporate defendants and the individual defendants, no monies have yet been obtained from any of the judgment debtors. Further, six separate appeals have been filed. Although one has been dismissed, the other five

are pending. Thus, two unfulfilled goals are to collect the judgments and to successfully defend the appeals to the Tenth Circuit.

2. **Permanent injunction of Commission beer license effort** — Although the Commission has been temporarily enjoined from interfering with the sale of beer to the Potawatomis, the long-term goal of the Potawatomis is to obtain a permanent injunction. Regardless of the action by the district court, the Potawatomis reasonably anticipate that the losing side will seek appellate relief from the Tenth Circuit.

3. **Recognition of Tribal judgments** — The Oklahoma Supreme Court has not yet decided the Sulcer appeal that challenges the validity of tribal court jurisdiction on judgments.

III. **LITIGATION DETAILS.** Hereafter, a detailed report is provided for each case:

A. **U.S. EX REL. THE CITIZEN BAND POTAWATOMI INDIAN TRIBE OF OKLAHOMA V. ENTERPRISE MANAGEMENT CONSULTANTS, INC., NO. CIV-86-1171-A** (U.S. Dist. Ct. W.D. Okl. May 27, 1986), appeals filed, nos. 90-6363, 6365, 6366, 6369 (10th Cir. Ct. App. Nov. 20, 1990) Notice of Appeal filed by Collier June 3, 1991. No number has yet been assigned by the 10th Circuit.

In April of 1986, the BIA published guidelines for reviewing Indian bingo management contracts and instructed the tribes to make sure that their management contracts were consistent with these guidelines and submit them for BIA approval. In compliance with this BIA directive, the Tribe attempted to negotiate a new contract with Enterprise that met BIA guidelines. After several meetings, Enterprise announced that it had no intention of entering into any agreement to meet the BIA guidelines and broke off negotiations. During the process of negotiations, the Tribe learned that Enterprise had not been paying any rent as promised in the original lease agreement. Accordingly, the Tribe filed suit to have the court declare the bingo management agreements with Enterprise null and void because not approved as required by federal law, have Enterprise account for the monies received under the invalid contracts, have Enterprise pay for the accrued rentals plus interest, and have the lease with Enterprise declared terminated. After filing suit, the Tribe asked the court to enter partial summary judgment, to-wit: declare that the management agreements were null and void because never approved by the BIA.

After defeating Enterprise in a companion lawsuit<sup>1</sup> and successfully prosecuting an interlocutory appeal,<sup>2</sup> the Tribe's motion for partial summary judgment was granted. The court declared the contracts and lease void and awarded the Tribe \$3,575,286.88 against Enterprise Management Consultants, Inc. for monies wrongfully received under the unapproved bingo agreements. The same day the Court entered judgment against EMCI Property Management, Inc. in favor of the Tribe for \$2,899,941.25. The

### FOOTNOTES BELOW 1&2

1. **Enterprise Management Consultants, Inc. v. United States**, 883 F.2d 890 (10th Cir. 1989).

2. **Citizen Band Potawatomi Indian Tribe of Oklahoma v. Oklahoma Tax Com'n.**, 888 F.2d 1303 (10th Cir. 1989).

Court subsequently sanctioned Caldwell and Wheeler for failing to cooperate in discovery and entered judgments against them.

This case took 1,436 days or 3.93 years to resolve in the District Court. At least another year will be required to resolve the appeals.

1. **May 27, 1986** — Complaint filed.

2. **June 17, 1986** — Tribe moves for partial summary judgment.

3. **August 31, 1988** — Tribe enjoined from interfering with Enterprise operation of bingo.

4. **August 31, 1988** — Tribe appeals and injunction stayed.

5. **September 2, 1988** — Stay of Enterprise injunction issued.

6. **October 18, 1988** — Tribe renews motion for partial summary judgment.

7. **June 9, 1989** — Caldwell and Wheeler added as parties.

8. **August 26, 1989** — Tenth Circuit vacates district court injunction.

9. **November 7, 1989** — Order directs disbursement of \$156,895.86 to the Tribe that was paid into court pending resolution of the appeal.

10. **April 11, 1990** — Order grants partial summary judgment against Enterprise finding that the bingo management agreements were not valid.

11. **June 4, 1990** — Judgment after default against EMCI Property Management, Inc. in the amount of \$2,899,941.25.

12. **June 4, 1990** — Order declaring the business lease between the Tribe and Enterprise terminated and awarding the Tribe \$3,575,286.88.

13. **October 25, 1990** — The Court finds Caldwell and Wheeler in violation of court-ordered discovery and enters sanction order granting judgment to Tribe.

14. **May 2, 1990** — Judgments for Tribe entered against Caldwell (\$964,970.00) and Wheeler (\$630,638.00).

B. **THE CITIZEN BAND POTAWATOMI INDIAN TRIBE OF OKLAHOMA v. THE OKLAHOMA TAX COMMISSION**, No. CIV-87-0338-W (U.S. Dist. Ct. W.D. Okl. Feb. 18, 1987), on appeal, 888 F.2d 1303 (10th Cir. 1989), affirmed in part, rev. in part, sub nom. **OKLAHOMA TAX COMMISSION v. CITIZEN BAND POTAWATOMI INDIAN TRIBE OF OKLAHOMA**, 111 S.Ct. 905 (1991).

On February 1, 1987, the Oklahoma Tax Commission (Commission) served a proposed \$2.6 million cigarette tax assessment on the Chairman of the Business Committee. As subsequently developed, this was clearly a mistake. After the Tribe filed suit against the Commission seeking an injunction against the proposed assessment, the Commission immediately changed the assessment to the Tribe. After a hearing and following the filing of briefs, the Tribe's request for a preliminary injunction was granted. The parties thereafter stipulated to all material facts and submitted the case to the court on briefs.

Thereafter, a permanent injunction was entered barring Commission from assessing the Tribe with a tax. However, the judgment also declared that the tribe was to cooperate with the Commission in collecting and remitting cigarette tax on cigarette sales by the tribe to non-tribal members. Both parties appealed.

The Tenth Circuit issued an opinion finding that Oklahoma did not

have jurisdiction within Indian Country and remanded to the district court to enter an order permanently enjoining Oklahoma from using its taxing and/or regulatory authority to impose a tax upon the Tribe.

The Commission petitioned for review by the United States Supreme Court. After oral argument, the Supreme Court issued a decision that affirmed all of the material aspects of the Tenth Circuit decision but reversed some language suggesting that the fact that Oklahoma was not a Public Law 280 state made a difference in cigarette taxing case law. The Tenth Circuit subsequently affirmed its previous opinion except for the language conflicting with the Supreme Court decision. The case has been remanded to the District Court for entry of the permanent injunction.

This case was resolved from the District Court through the Tenth Circuit Court of Appeals and the United States Supreme Court in 1,436 days or 3.93 years. The commission's motion to reassess costs is still pending.

1. **February 18, 1987** — Complaint filed.

2. **March 10, 1987** — Preliminary injunction granted.

3. **September 29, 1987** — mandatory injunction entered.

4. **May 6, 1988** — Permanent injunction entered.

5. **July 22, 1988** — Appeal filed.

6. **March 8, 1989** — Oral argument heard.

7. **November 29, 1989** — Tenth Circuit finds Oklahoma does not have jurisdiction in Indian Country and directs it be enjoined from enforcing its taxing and regulatory powers in Indian Country.

8. **January 23, 1990** — Oklahoma petitions U.S. Supreme Court for review of Tenth Circuit decision.

9. **October 1, 1990** — U.S. Supreme Court grants certiorari.

10. **January 7, 1991** — Oral argument is held before the U.S. Supreme Court.

11. **February 26, 1991** — U.S. Supreme court issues opinion affirming in part and reversing in part.

12. **May 16, 1991** — Tenth Circuit issues order on remand from the Supreme Court.

C. **EMCI PROPERTY MANAGEMENT, INC. v. UNITED STATES**, No. 90-6211 (10th Cir. Ct. App.).

Last summer, EMCI Property Management, Inc., the phoney corporation that served as Caldwell's alter ego, filed a notice of appeal of a money judgment entered against EMCI. The Tribe promptly moved to dismiss the appeal as premature. The motion was granted.

This appeal was disposed of in a period of 166 days.

1. **June 6, 1990** — Notice of appeal filed.

2. **June 20, 1990** — Tribe moves to dismiss appeal.

3. **November 19, 1990** — Order filed granting the Tribe's motion to dismiss.

D. **THE CITIZEN BAND POTAWATOMI INDIAN TRIBE OF OKLAHOMA v. THE OKLAHOMA TAX COMMISSION**, U.S. Dist. Ct. W.D. Okl., No. CIV-90-238-W.

On or about January 16, 1990, the Oklahoma Tax Commission notified beer distributors selling to the Tribe that it would be unlawful for the distributors to sell beer to any person or entity not licensed by the State of Oklahoma. The Tribe does not hold an Oklahoma distributor's license and had been selling beer for three years without such a license. When the Commission would not reverse its policy which would have resulted in the Tribe being unable to purchase beer for resale, the Tribe filed an action for injunctive relief. The Tribe seeks to enjoin Oklahoma from attempting to regulate the Tribe's purchase or sale of non-intoxicating beverages, including the state's attempts at threatening to revoke or revoking the wholesale licenses of those selling non-intoxicating beverages to the Tribe.

After oral argument, the Court granted the Tribe's motion for a preliminary injunction. Thereafter, all actions in the case were stayed pending the Supreme Court decision in the cigarette tax case. When the Supreme Court decision in the cigarette tax case was issued, the Commission moved to lift the injunction. The Tribe successfully opposed this motion. Cross motions for summary judgment are now pending.

This case has been pending for 459 days or 1.26 years.

1. **February 9, 1990** — Complaint filed.

2. **February 15, 1990** — Preliminary injunction granted.

3. **May 2, 1990** — Order staying all proceedings pending outcome of cigarette tax case filed.

4. **March 26, 1991** — Order denies Commission's motion to lift temporary injunction.

5. **May 10, 1991** — Both parties present additional authorities on cross-motions for summary judgment.

6. **May 13, 1991** — Plaintiff's Motion for Summary Judgment.

7. **May 28, 1991** — Plaintiff's Response to Supplemental Brief of the Oklahoma Tax Commission.

E. **IN RE JOHNNY LEROY WHEELER, DEBTOR**, No. 89-6659-LN (U.S. Bkrcty. Ct. W.D. Okl.).

In an effort to prevent the Tribe from obtaining a judgment against him, Wheeler filed for reorganization under the bankruptcy laws. He did not file for personal bankruptcy because such an action would probably have involved his wife to whom he transferred all of his assets. The Tribe's motion to dismiss this action was granted.

1. **October 24, 1989** — Petition in bankruptcy filed.

2. **May 15, 1990** — Tribe joins in motion to dismiss.

3. **September 5, 1990** — Tribe's motion to dismiss granted.

This case was completed resolved in 315 days.

F. **IN RE ENTERPRISE MANAGEMENT CONSULTANTS, INC., DEBTOR**, No. 90-3103 (U.S. Bkrcty. Ct. W.D. Okl.).

In an effort to prevent the Tribe from obtaining a judgment against it, Enterprise filed for reorganization under the bankruptcy laws. The Tribe's motion to dismiss this action was confessed.

1. **May 10, 1990** — Petition in bankruptcy filed.

2. **May 21, 1990** — Tribe moves to dismiss.

3. **July 31, 1990** — Tribe's motion to dismiss granted. This case was completed resolved in 82 days.

G. **SULCER v. BARRETT, et al.**, Citizen Band Potawatomi Tribal Court, No. CIV-88-14-P, appeal filed, no. CIV-89-01-P (C.B. Pot. Sup. Ct.), 17 Indian L. Rep. 6138 (Sep. 5, 1990).

continued on page 13



# Annual Report of Tribal Attorney

On August 22, 1989, former tribal employee Pat Sulcer filed an action against Business Committee members Bob Davis, Jim Young, Hilton Melot and Chairman John A. Barrett, Jr. alleging the Business Committee did not have the authority to terminate her employment. At a hearing for a temporary restraining order compelling the Tribe to place her back on the job, the Court found that the individuals were acting as members of the Business Committee and as such were immune from suit. The Court further found that Sulcer had been terminated by the Tribal Administrator, as called for in the policy procedure manual, although the Administrator was merely carrying out the wishes of the Business Committee. Sulcer appealed the dismissal to the Tribal Supreme Court which affirmed.

This case was fully resolved in the District Court and Supreme Court after 380 or 1.04 years.

1. August 21, 1989 — complaint filed.
2. September 8, 1989 — Order dismissing complaint filed.
3. October 8, 1989 — Appeal filed.
4. February 20, 1990 — Oral argument on appeal held.
5. September 5, 1990 — Supreme Court of Citizen Band Potawatomi Indian Tribe of Oklahoma affirms order of trial court dismissing the action.

H. PATRICIA K. BARRETT, now PATRICIA K. SULCER v. JOHN A. BARRETT, JR., No. 75, 014 (Okla. S. Ct.).

On May 17, 1990, the Tribe moved for leave to file an amicus curiae brief and suggestion of mootness in a case that originated in Cleveland

County District Court as a challenge to the Tribal Court's jurisdiction to grant a divorce. Pat Sulcer and John A. Barrett, Jr. were divorced in January of 1989 in the Tribal Court. Approximately one year later, Sulcer challenged that divorce in state court. The state district court dismissed Sulcer's case suggesting she should pursue tribal remedies. Sulcer then appealed the state court's decision to the Oklahoma Supreme Court. At the same time, she initiated a new action in Tribal Court challenging the validity of the divorce. The Tribal Court held the divorce was properly granted, and Sulcer appealed to the Tribal Supreme Court.

The Tribe sought leave to appear in the appeal of the state court dismissal because Sulcer directly attacked the integrity of the tribal courts by urging that: (1) Oklahoma was not required to give full faith and credit to a tribal divorce decree, (2) the Tribal Court did not have jurisdiction over Oklahoma residents living within the state's jurisdiction, and (3) tribal jurisdiction was obtained through fraud, duress and misrepresentation.

Although the Tribe has filed an amicus brief, the Oklahoma Supreme Court has now asked Sulcer to produce a written "final order" or her appeal will be dismissed.

this case has been pending 442 days or 1.21 years.

1. February 16, 1990 — Appeal filed.
2. May 30, 1990 — Order entered allowing Tribe to submit brief.
3. October 24, 1990 — Tribe files brief as amicus curiae.
4. April 28, 1991 — Order entered that the appeal will be dismissed if Sulcer does not file a journal entry of judgment by May 20.

IV. TRUST LANDS. We have assisted the tribe in securing trust status for tribally-owned property. Nearly 25% of the total of tribally-owned land now held in trust achieved that status in the last two fiscal years. The four recently-acquired tracts of land are:

A. 60.79 acres (BIA file no. 33-37-516) (Hardin allotment) is presently pasture land located on the east side of the tribal complex;

B. 16.26 acres (BIA SW 22.87) (Roubison tract) adjoins the northeast corner of the tribal golf course and is used for the food distribution building;

C. 6.9 acres (BIA SW 22.83) (Maranatha tract) is land used for 25 duplexes and a community center for the elderly south of the Shawnee complex; and

D. 3.06 acres (Friends tract) is historical land located south of the tribal complex.

The Hardin allotment was placed in trust on April 24, 1990. The Maranatha tract was placed in trust November 28, 1990. The Roubison and Friends parcels were placed in trust on February 4, 1991. The only matter pending is the final title opinion from the Tulsa Solicitor's Office on the Roubison tract.

The Potawatomi's original reservation lands included 575,870.42 acres. After in 1890, nearly 50% (287,470.89 acres) was open to settlement by non-Indians. Approximately 22,000 acres were not allotted nor opened for settlement, but were held for schools. The federal government retained 510.63 acres for general use by the Indians. Expect for allotments, tribal lands have been reacquired and placed in trust as set forth below:

POTAWATOMI TRIBAL LANDS					11-Jun-91	
	NAME	LOCATION	ACRES	ACQUIRED	TRUST	DAYS TO TRUST
1	SACRED-HEART	07-06N-5E	1.250	30-Apr-36	30-Apr-36	0
2	BINGO/STORE	31-10N-4E	57.990	11-Aug-64	27-May-76	4307
3	COMPLEX	31-10N-4E	38.630	11-Aug-64	27-May-76	4307
4	COMPLEX-S	31-10N-4E	4.678	11-Aug-64	27-May-76	4307
5	GOLF-N	31-10N-4E	120.000	11-Aug-64	27-May-76	4307
6	GOLF-S	31-10N-4E	38.290	11-Aug-64	27-May-76	4307
7	GOLF-SW	31-10N-4E	0.498	11-Aug-64	27-May-76	4307
	Subtotal.....		261.336	acres	75.02%	
8	HOSPITAL	31-10N-4E	19.870	MINERALS	11-Aug-64	
9	HARDIN	01-09N-3E	60.790	18-May-84	24-Apr-90	2167
10	MARANATHA	31-10N-4E	6.900	26-Jul-85	28-Nov-90	1951
11	FRIENDS	31-10N-4E	3.060	23-Dec-88	04-Feb-91	773
12	ROUBISON	31-10N-4E	16.260	21-May-86	04-Feb-91	1720
	Subtotal.....		87.010	acres	24.98%	
	TOTAL...		348.346	surface acres		



# **18th Annual Citizen Band Potawatomi POW-WOW**

**JUNE 28,29,& 30th 1991**

Potawatomi Tribal Grounds-Shawnee, Oklahoma

*Grand Entry Times: Friday-8:00 • Saturday-6:30 • Sunday-5:00*

## **~~\$25,000~~ \$15,000 PRIZE MONEY!**

### **Men**

*Straight • Traditional • Fancy*

1st Place .....	\$1000
2nd Place .....	\$600
3rd Place .....	\$400
4th Place .....	\$200

### **Ladies**

*Cloth • Buckskin • Fancy*

1st Place .....	\$700
2nd Place .....	\$400
3rd Place .....	\$200
4th Place .....	\$100

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## NATIONAL NEWS

# Pequot Tribe going on with plans for casino

LEDYARD, CONN. - While Connecticut officials are taking a last legal stand to prevent it, the 250-member Mashantucket Pequot Tribe plans to open a casino on its reservation here with a range of gambling games now available only to New Jersey and Nevada.

The games probably will begin in September, despite a petition filed by the state last week asking the U.S. Supreme Court for a hearing, according to the tribe's attorney, Barry A. Margolin of Portland, Maine.

According to Margolin, "the opening depends on financing and the Supreme Court appeal." He gave the appeal a 1 in 100 chance of succeeding.

Margolin said the tribe is going ahead with plans to obtain financing and to hire 1,500 people for a new resort center with games of blackjack, craps, poker and roulette, and off-track betting on horse and dog races, along with food and bar service.

Long-range plans, depending on the financing and the Supreme Court's decision, include a hotel and golf course, with an Indian museum as the centerpiece, Margolin said.

Because the tribe is comparable to a private corporation, it does not publicly disclose its costs, profits or sources of financing.

The prospect of boom profits for an already prospering reservation is pleasing both financially and historically to tribal chairman Richard Hayward.

According to Hayward, the Pequots were the first American Indians conquered by the European colonists, who wanted the tribe's thriving fur trade more than 360 years ago.

Hayward said in October after a favorable ruling for the Pequots that he expected the tribe to be the first in the nation to run full casino gambling, at whatever stakes it chooses.

Connecticut's chief executive, lame-duck Gov. William A. O'Neill, is not so pleased.

Faced with the prospect of a miniature Las Vegas or Atlantic City on the nontaxable reservation in the rural, southeastern woodlands, he has decided to attempt a final legal fight.

Richard M. Sheridan, assistant attorney general, said he knows Connecticut's chances are slim for getting one of the fewer than 200 hearings the Supreme Court grants from more than 8,000 petitions each year, "but I've been in that position before."

The state is not contesting the tribe's right to run limited public gaming events, but Sheridan said it wants an opportunity to argue against an unrestricted and unaccountable big-cash business with no records that can be traced.

"Anybody else who opened a casino in Connecticut would be to jail," Sheridan observed.

Five years ago, Connecticut lost when it made similar arguments in federal court to restrict the bingo games that the Pequots wanted to run on the reservation. Now the tribe runs the bingo games six times a week, offering four and sometimes five-figure cash prizes in a 1,667 seat hall that it plans to expand to begin its casino gambling.

The tribe applied for expanded gambling rights under the 1988 federal Indian Gaming Regulatory Act. The law allows a sovereign tribe - one given the right to govern its own civil affairs as a federally designated Indian Country - the right to run the same type of gambling allowed by the state in which it is located.

The Pequots are the only one of five tribes in Connecticut whose reservation has Indian country designation.

"The major thrust of our argument is that Congress did not intend to allow the Indians to run casino gambling," Sheridan said.

The 1988 federal gaming law followed by a year a U.S. Supreme Court decision giving tribes unrestricted rights to run bingo games and was a congressional effort to give states at least some control over any further Indian gambling.

The law requires each tribe to negotiate the scope of its gambling operations with its state.

Connecticut prohibits casino gambling, except for charitable groups, which are limited to four "Las Vegas nights" a year, and only merchandise - no cash - can be given as prizes. Unwilling to let the tribe go beyond those limits, Sheridan said the state refused to negotiate with the tribe, reasoning that any negotiations would force it beyond those standards.

However, in Hartford, Conn., District Judge Peter C. Dorsey ordered the state to the bargaining table in May, saying the "obligation to negotiate cannot be more plain or unconditional." The state, also opposed by the U.S. Justice Department, appealed to the Circuit Court of Appeals in New York, but after a hearing in July, its arguments were rejected.

After the negotiations that followed, the state and the tribe each submitted similar compacts to a mediator, retired Superior Court Judge Henry J. Naruk, who selected the state's plan. That 300-page compact gives the Pequots the right to run virtually all casino gambling games, except slot machines and video-game gambling, at whatever stakes and schedule they chose.

Sheridan said the state negotiators did not press for betting limits for fear they would be accused of negotiating in bad faith. The state did win full supervisory powers, including the licensing of all gaming and security employees at the site.

Margolin said the tribe, too, is concerned with criminal activity, and he has also advised members to conduct business in such a way as "to make sure you can sleep at night."

Connecticut's compact with the Pequots is the broadest of any completed so far in any state, Margolin said.

The National Indian Gaming Association said the Flandreau Santee Sioux are running gambling operations in South Dakota but are limited to blackjack and slot machines.

The Flandreau Sioux lease a building and land to an outside manager, but controversy surrounds the lease agreement.

Tribes in Minnesota and California have reached agreements for even more restrictive operations.

A Fort Mohave tribe in Nevada won state approval for a casino some years ago, but has since had continuing problems

with financing and is not expected to begin operations before the Pequots, if at all, Margolin said.

The Mohawk Tribe in St. Regis, N.Y., opened a casino without state agreement and was closed down by police. Violence erupted over the shutdown, and the tribe's court fight is not expected to be resolved soon.

In 1973, when Hayward took over as chairman, the Pequots were about to become extinct. Only two Pequots lived on a 213-acre reservation, which hosted one dilapidated house and several mobile homes. The state, Hayward said, was waiting for the last two Pequots to die so that it could take the land for a public park.

Now Hayward is the head of a tribal council that controls a 1,000-acre reservation and 775 acres of adjacent land on which stand 35 ranch houses and 10 apartment buildings. The council has 100 employees to administer its own government, including self-sufficient health, water, sewer, and housing programs.

The Pequots' neighbors in Ledyard, Conn., 10 miles west of the Rhode Island border, have been uncomplaining over the nearly two decades in which the tribe expanded its reservation by court and congressional action and with federal grants, public and private loans and income generated by their own various businesses.

Over the years, the tribe has run a restaurant, a syrup-making operation and a gravel pit, from which it gets most of its raw materials for its construction projects, and a hydroponic greenhouse to grow lettuce.

But bingo has been the tribe's bonanza, giving it enough undisclosed profit to buy

the total 775 acres in Ledyard and neighboring North Stonington. The tribe, which controlled hundreds of thousands of acres before it vanquished in the 17th century, was left with only 3,000 acres. It owns little more than half that now and intends to continue acquiring land, with the ultimate goal of winning reservation status for all the land.

Theresa D. Bell, tribal affairs coordinator, said, "Most of the land will be kept in its natural state ... People think we want to build some huge city. We just want the land back."

Thomas B. Wilson, a Ledyard Town Counsel member, said that because the reservation is away from the town's population center, near heavily traveled Route 2, traffic has not been an issue and the town has taken no position on the tribe's plans to expand its gambling operations.

Ledyard, like the state, receives no tax revenue from the reservations or their businesses. Mayor Mary K. McGrattan said she is upset about that on one hand but pleased on the other that the tribe "has been so generous with its checkbook when it comes to charitable contributions."

She said the tribe has successfully fought paying for town services, including a non-resident surcharge to use the town library, but has donated freely to school and town projects and loaned its fire truck when needed. She said 40 Indian children attend local schools.

The mayor said the reservation is like another country, but a good neighbor.

"It's there, but you don't know it's there. It's like a neighbor you don't know. They keep their noses clean and stay behind the fence," she said.

## Navajo man forced away from Hopi fencing site

(From *The Navajo Times*, March 28, 1991) — A 67-year old Navajo medicine-man was arrested here by Hopi-Bureau of Indian Affairs police Tuesday as he attempted to block a Hopi fencing crew on Hopi Partitioned Lands.

Meanwhile, Navajo President Peterson Zah blasted the Hopi Tribe in a press release Tuesday for re-starting the controversial fence project on Star Mountain and ignoring the religious concerns of traditional Navajos.

"I had hoped that the federal government and the Hopi Tribe would be sensitive and respectful to the religious beliefs of all Indian people," Zah said. "I am deeply disappointed by this turn of events."

Alvin Clinton of Star Mountain was arraigned in Hopi Tribal Court on Wednesday on charges of malicious mischief, disorderly conduct, resisting arrest and assaulting a Hopi Tribal Ranger.

After the two charges of disorderly conduct and assaulting a Hopi Tribal Ranger were dismissed by the court, Clinton plead not guilty to the charges of malicious mischief and resisting arrest. He

was then released on his own recognizance without bond.

A pre-trial hearing was set for May 1 in Hopi Tribal Court in Polacca, Ariz.

"Four cops grabbed him, handcuffed him and dragged him away," said Jon Norstog, deputy director of the Navajo Tribe's Navajo-Hopi Development Office, who saw a videotape of the arrest. "He was kind of struggling. They sort of subdued him. I didn't see any roughing up at all and he was never on the ground."

Clinton spent one night in Hopi Tribal Jail when police officials refused to accept a Navajo tribal check for the amount of his bail.

While Hopi police reported there were other Navajo observers at the scene, they said Clinton was the only one interfering with the fence crew.

Norstog said Clinton grabbed a fence post and held on. He said he didn't appear to resist when arrested and that he acted to protect his traditional religion.

Star Mountain is an area held sacred by Navajos near Teesto in the southern part of the former Navajo-Hopi Joint Use Area that is now part of the Hopi reservation as a result of the Navajo-Hopi Relocation Act.



# HOW-NI-KAN

PEOPLE OF THE FIRE

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## And the flood waters came ...



It happened pretty fast. Sure, it had been raining, but still no one quite expected the rush of water that was suddenly upon the tribal grounds Saturday, June 8. There was just too much water for nearby Squirrel Creek to handle, so it flowed up over the banks and into the pow wow grounds, the convenience store parking lot and the bingo hall parking lot. The top photo shows the campground at the pow wow grounds, with a picnic table almost underwater. In the photos below, water laps at the doors of the store and bingo hall. Fortunately, no damage was done. Tribal Administrator Bob Davis said the water "got right up to the door" of the store, but cigarettes and other items were safely out of the way. The water receded quickly, leaving some mud, but everything is back to normal now so that campers won't have to picnic in the middle of a lake during Potawatomi Days.

